A bill to be entitled
An act relating to the availability of marijuana for
adult use; amending s. 212.08, F.S.; revising the
sales tax exemption for the sale of marijuana and
marijuana delivery devices to only include sales to
qualified patients or caregivers; amending s. 381.986,
F.S.; revising provisions related to the licensure and
functions of medical marijuana treatment centers
(MMTCs); requiring the Department of Health to adopt
by rule certain operating standards and procedures;
requiring the department to adopt by rule a certain
MMTC registration form; specifying registration
requirements; providing that a registration expires
within a specified timeframe; specifying that
registration is not sufficient for certain operations;
requiring an MMTC to obtain separate operating
licenses for certain operations; specifying
application requirements for MMTCs to obtain
cultivation licenses and processing licenses;
providing for the expiration of and renewal of such
licenses; requiring an MMTC to obtain a facility
permit before cultivating or processing marijuana in
the facility; authorizing MMTCs licensed to cultivate
or process marijuana to use contractors to assist with
the cultivation and processing of marijuana under
certain conditions; providing for the destruction of
certain marijuana byproducts within a specified
timeframe after their production; authorizing MMTCs
licensed to cultivate and process marijuana to
wholesale marijuana to other registered MMTCs under certain circumstances; prohibiting an MMTC from transporting or delivering marijuana outside of its property without a transportation license; providing requirements for the cultivation and the processing of marijuana; deleting the requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; deleting tetrahydrocannabinol limits for edibles; requiring an MMTC that holds a license for processing to test marijuana before it is sold in addition to when it is dispensed; deleting obsolete language; revising marijuana packaging requirements; providing application requirements for an MMTC to obtain a retail license; providing for the expiration and renewal of such licenses; requiring an MMTC to obtain a facility permit before selling, dispensing, or storing marijuana in the facility; requiring the facility to cease certain operations under certain circumstances; prohibiting a dispensing facility from repackaging or modifying marijuana that has already been packaged for sale, with certain exceptions; authorizing a retail licensee to contract with an MMTC that has a transportation license to transport marijuana for the retail licensee under certain circumstances; prohibiting onsite consumption or administration of marijuana at a dispensing facility; revising requirements for the dispensing of marijuana; requiring a licensed retail MMTC to include specified
information on a label for marijuana or a marijuana
delivery device dispensed to a qualified patient or
caregiver; authorizing an MMTC to sell marijuana to an
adult 21 years of age or older under certain
circumstances; requiring MMTC employees to verify the
age of such buyers using specified methods;
prohibiting an MMTC from requesting or storing any
personal information of a buyer other than to verify
the buyer’s age; deleting a provision prohibiting an
MMTC from dispensing or selling specified products;
providing application requirements for an MMTC to
obtain a transportation license; providing marijuana
transportation requirements; prohibiting the
transportation of marijuana on certain properties;
prohibiting the transportation of marijuana in a
vehicle that is not owned or leased by a licensee or
the licensee’s contractor or appropriately permitted
by the department; providing a process for the
issuance and cancellation of vehicle permits;
requiring that each permitted vehicle be GPS
monitored; specifying that a permitted vehicle
transporting marijuana is subject to inspection and
search without a search warrant by specified persons;
authorizing an MMTC licensed to transport marijuana
and marijuana delivery devices to deliver or contract
for the delivery of marijuana to other MMTCs, to
qualified patients and caregivers within this state,
and to adults 21 years of age or older within this
state; establishing that a county or municipality may

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CODING: Words \textit{stricken} are deletions; words \underline{underlined} are additions.
not prohibit deliveries of marijuana to qualified
patients and caregivers within the county or
municipality; requiring an MMTC delivering marijuana
or a marijuana delivery device to a qualified patient
or his or her caregiver to verify the identity of the
qualified patient; requiring an MMTC delivering
marijuana to an adult 21 years of age or older to
verify his or her age; requiring the department to
adopt certain rules for the delivery of marijuana;
authorizing MMTCs to use contractors to assist with
the transportation of marijuana, but providing that an
MMTC is responsible for the actions and operations of
such a contractor which are related to the
transportation of marijuana; requiring an MMTC to know
the location of all of its marijuana products at all
times; requiring principals and employees of a
contractor to register with the department and receive
an MMTC employee identification card before
participating in the operations of the MMTC; providing
for the permitting of cultivation, processing,
dispensing, and storage facilities; requiring the
department to adopt by rule a facility permit
application form; requiring the department to inspect
a facility before issuing a permit; requiring the
department to issue or deny a facility permit within a
specified timeframe; providing for the expiration of
facility permits; requiring the department to inspect
a facility for compliance before the renewal of a
facility permit; requiring an MMTC to cease applicable
operations if a facility’s permit expires or is suspended or revoked; requiring cultivation facilities and processing facilities to be insured with specified hazard and liability insurance; providing cultivation facility and processing facility requirements; preempting to the state all matters regarding the permitting and regulation of cultivation facilities and processing facilities; requiring dispensing facilities and storage facilities to be insured with specified hazard and liability insurance; providing dispensing facility and storage facility requirements; clarifying that a county or a municipality may prohibit a dispensing facility from being located in its jurisdiction but may not prohibit a licensed retail MMTC or its permitted storage facility from being located in such county’s or municipality’s jurisdiction if the MMTC is delivering marijuana to qualified patients; prohibiting the department from issuing a facility permit for a dispensing facility in a county or municipality that adopts a specified ordinance; authorizing a county or municipality to levy a local tax on a dispensing facility; providing that local ordinances may not result in or provide for certain outcomes; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors; requiring an MMTC to apply to the department for the registration of certain persons
before hiring or contracting with any such person;
requiring the department to adopt by rule a
registration form that includes specified information;
requiring the department to register persons who
satisfy specified conditions and issue them MMTC
employee identification cards; requiring a registered
person and the MMTC to update the department within a
specified timeframe if certain information or the
person’s employment status changes; authorizing the
department to contract with vendors to issue MMTC
employee identification cards; requiring the
department to inspect an MMTC and its facilities upon
receipt of a complaint and to inspect each permitted
facility at least biennially; authorizing the
department to conduct additional inspections of a
facility under certain circumstances; authorizing the
department to impose administrative penalties on an
MMTC for violating certain provisions; requiring the
department to refuse to renew an MMTC’s cultivation,
processing, retail, or transportation license under
certain circumstances; revising provisions related to
penalties and fees to conform to changes made by the
act; providing construction; conforming provisions to
changes made by the act; creating s. 381.990, F.S.;
authorizing an adult 21 years of age or older to
purchase, possess, use, transport, or transfer to
another adult 21 years of age or older marijuana
products and marijuana delivery devices under certain
circumstances; providing that such marijuana products
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or marijuana delivery devices must be purchased from an MMTC licensed by the department for the retail sale of marijuana and registered with the Department of Business and Professional Regulation (DBPR) for sale of marijuana for adult use; clarifying that a private property owner may restrict the smoking or vaping of marijuana on his or her property but may not prevent his or her tenants from using marijuana by other means; providing that certain provisions do not exempt a person from prosecution for a criminal offense related to impairment or intoxication related to the use of marijuana and do not relieve a person from any legal requirement to submit to certain tests to detect the presence of a controlled substance; requiring the Department of Agriculture and Consumer Services to conduct a study on the advisability of allowing the cultivation of marijuana by members of the public for private use, including use of a specified model; requiring the department to report the results of the study to the Governor and the Legislature by a specified date; amending s. 893.13, F.S.; authorizing a person 21 years of age or older to possess marijuana products in a specified amount and to deliver marijuana products to another person 21 years of age or older, under certain circumstances; providing criminal penalties for the delivery or possession of marijuana products by a person younger than 21 years of age under certain circumstances; creating s. 893.1352, F.S.; providing legislative intent;
providing for the retroactive applicability of s. 893.13, F.S.; requiring certain sentences for specified offenses; requiring sentence review hearings for individuals serving certain sentences for specified crimes; providing resentencing procedures; requiring the waiver of certain conviction-related fines, fees, and costs under certain circumstances; amending s. 893.147, F.S.; authorizing a person 21 years of age or older to possess, use, transport, or deliver, without consideration, a marijuana delivery device to a person 21 years of age or older; providing criminal penalties for a person younger than 21 years of age who possesses, uses, transports, or delivers, without consideration, a marijuana delivery device to a person 21 years of age or older; creating s. 943.0586, F.S.; defining terms; authorizing an individual convicted of certain crimes to petition the court for expunction of his or her criminal history under certain circumstances; requiring the individual to first obtain a certificate of eligibility from the Department of Law Enforcement; requiring the department to adopt rules establishing the procedures for applying for and issuing such certificates; requiring the department to issue a certificate under certain circumstances; providing for the expiration of the certificate; providing requirements for the petition for expunction; providing penalties; providing for the court’s authority over its own procedures, with an exception; requiring the court to
order the expunction of a criminal history record under certain circumstances; clarifying that expunction of certain criminal history records does not affect eligibility for expunction of other criminal history records; providing procedures for processing expunction petitions and orders; providing that a person granted an expunction may lawfully deny or fail to acknowledge the underlying arrest or conviction, with exceptions; providing that a person may not be deemed to have committed perjury or otherwise held liable for giving a false statement if he or she fails to recite or acknowledge an expunged criminal history record; amending s. 893.15, F.S.; conforming a provision to changes made by the act; providing effective dates.

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

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

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

(2) EXEMPTIONS; MEDICAL.—

(1) Marijuana and marijuana delivery devices, as defined in s. 381.986, are exempt from the taxes imposed under this chapter...
when they are purchased by a qualified patient or a caregiver, as those terms are defined in s. 381.986.

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

381.986 Medical use of marijuana.—
(1) DEFINITIONS.—As used in this section, the term:
(d) “Edibles” means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center (MMTC).
(e) “Low-THC cannabis” means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
(f) “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center.
for medical use by a qualified patient.

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

(h) “Marijuana testing laboratory” means a facility certified by the department pursuant to s. 381.988 which that collects and analyzes marijuana samples from an MMTC a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.

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

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

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

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

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

5. Use or administration of marijuana in the following locations:
   a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.
   b. In any public place, except for low-THC cannabis not in a form for smoking.
   c. In a qualified patient’s place of employment, except when permitted by his or her employer.
   d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.
   e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.
   f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.

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

(k) “Physician certification” means a qualified physician’s authorization for a qualified patient to receive marijuana and a marijuana delivery device from an MMTC or a medical marijuana treatment center.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

(4) PHYSICIAN CERTIFICATION.—

(f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of
marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center (MMTC). The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:
   a. The qualified patient’s qualifying medical condition.
   b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.
   c. A description of how the patient will benefit from an increased amount.
   d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient’s qualifying medical condition.

2. A qualified physician must provide the qualified patient’s records upon the request of the department.

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

(5) MEDICAL MARIJUANA USE REGISTRY.—
   (a) The department shall create and maintain a secure,
electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers (MMTCs) to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

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

(6) CAREGIVERS.—
(b) A caregiver must:
1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center (MMTC) or a marijuana testing laboratory.
2. Be 21 years of age or older and a resident of this state.
3. Agree in writing to assist with the qualified patient’s medical use of marijuana.
4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as
5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed $100.

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

8. MEDICAL MARIJUANA TREATMENT CENTERS.
   (a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

   1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and
cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity’s original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

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

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

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

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

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

5. Dispensing facilities are subject to the following requirements:
   a. A medical marijuana treatment center may not establish or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the
medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.

b. A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center’s maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center’s statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center’s total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each United States Decennial Census. For the purposes of this subparagraph:

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


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

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

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

e. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center’s statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a
dispensing facility slot shall reduce the seller’s regional maximum and increase the purchaser’s regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-
paragraph, the regional restriction applied to that slot’s location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.

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

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

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.982 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state’s commitment to diversity and implement training programs and other educational programs to enable
minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

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

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

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

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

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

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

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

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

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

8. That all owners, officers, board members, and managers
have passed a background screening pursuant to subsection (9).
9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

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

a. Representation of minority persons and veterans in the medical marijuana treatment center’s workforce;

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

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

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

(a)(4) Department responsibilities.—The department shall do all of the following:

1. Adopt by rule all of the following:

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

b. Standards for the sale of marijuana.

c. Procedures and requirements for all of the following:

(I) The registration and registration renewal of medical
marijuana treatment centers (MMTCs).

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

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

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

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

2. Establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all MMTCs medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each MMTC must medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each MMTC medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the
seed-to-sale tracking system. The vendor may not have a direct
or indirect financial interest in an MMTC a medical marijuana
treatment center or a marijuana testing laboratory.

(b) Registration.—
1. The department shall adopt by rule an MMTC registration
form that must require at least all of the following:
   a. The applicant’s full legal name.
   b. The physical address of each location where the
      applicant will apply for a facility permit to cultivate,
      process, dispense, or store marijuana.
   c. The name, address, and date of birth of the applicant’s
      principals.
   d. The name, address, and date of birth of the applicant’s
      current employees and contractors who will participate in the
      operations of the MMTC.
   e. The operation or operations in which the applicant
      intends to engage, which may include one or more of the
      following:
         (I) Cultivation.
         (II) Processing.
         (III) Retail sales.
         (IV) Transportation.
2. To be registered as an MMTC, an applicant must submit
all of the following to the department:
   a. The applicant’s completed registration form.
   b. Personnel registration application forms, as described
      in subsection (9), for all principals, employees, and
      contractors listed on the applicant’s registration form who will
      participate in the operations of the MMTC. The department may
not register the applicant as an MMTC until all principals, employees, and contractors listed on the applicant’s registration form have registered with the department and are issued MMTC employee identification cards.

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

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

e. Proof of the applicant’s financial ability to maintain operations for the duration of the registration.

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

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

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

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

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

   (c) Cultivation licenses and processing licenses.—

   1. A registered MMTC may apply for a cultivation license or
a processing license. When applying, the MMTC shall provide the
department with at least all of the following:
   a. A completed cultivation license or processing license
      application form.
   b. The physical address of each location where marijuana
      will be cultivated, processed, or stored.
   c. As applicable to the requested license or licenses:
      (I) Proof of an established infrastructure, or the ability
      to establish an infrastructure in a reasonable amount of time,
      which is designed for cultivation, processing, testing,
      packaging, and labeling marijuana; maintaining the
      infrastructure’s security; and preventing the theft or diversion
      of any marijuana.
      (II) Proof that the applicant possesses the technical and
      technological ability to cultivate and test or process and test
      marijuana.
   d. Proof of operating procedures designed to secure and
      maintain accountability for all marijuana and marijuana-related
      byproducts that come into the applicant’s possession, and to
      comply with the required seed-to-sale tracking system.

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

3. Before beginning cultivation or processing at any
location, the licensee must obtain a facility permit from the department for that location pursuant to paragraph (g).

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

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

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

7. Transportation or delivery of marijuana outside of the
property owned by a licensee under this subsection may be
performed only by an MMTC that holds a transportation license
issued pursuant to paragraph (f).

(e) A licensed medical marijuana treatment center shall
cultivate, process, transport, and dispense marijuana for
medical use. A licensed medical marijuana treatment center may
not contract for services directly related to the cultivation,
processing, and dispensing of marijuana or marijuana delivery
devices, except that a medical marijuana treatment center
licensed pursuant to subparagraph (a)(1) may contract with a
single entity for the cultivation, processing, transporting, and
dispensing of marijuana and marijuana delivery devices. A
licensed medical marijuana treatment center must, at all times,
maintain compliance with the criteria demonstrated and
representations made in the initial application and the criteria
established in this subsection. Upon request, the department may
grant a medical marijuana treatment center a variance from the
representations made in the initial application. Consideration
of such a request shall be based upon the individual facts and
circumstances surrounding the request. A variance may not be
granted unless the requesting medical marijuana treatment center
can demonstrate to the department that it has a proposed
alternative to the specific representation made in its
application which fulfills the same or a similar purpose as the
specific representation in a way that the department can
reasonably determine will not be a lower standard than the
specific representation in the application. A variance may not
be granted from the requirements in subparagraph 2. and
subparagraphs (b)(1) and 2.
1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

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

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

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

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

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

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

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

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

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

8. When growing marijuana, a licensed cultivation MMTC
medical marijuana treatment center:

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

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

c. Shall Must inspect seeds and growing plants for plant
pests that endanger or threaten the horticultural and
agricultural interests of the state in accordance with chapter
581 and any rules adopted thereunder.
d. Shall **Must** perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

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

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

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of
its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

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

10.1. When processing marijuana, a licensed processing MMTC shall medical marijuana treatment center must:

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

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

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

d. Test the processed marijuana using a medical marijuana
testing laboratory before it is sold or dispensed. Results must be verified and signed by two MMTC medical marijuana treatment center employees. Before selling, wholesaling, or dispensing, the MMTC shall medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility, which must shall be tested by the department to determine that the edible meets the potency requirements of this section and is safe for human consumption, and that the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate.

An MMTC medical marijuana treatment center may not require payment from the department for the sample. An MMTC shall A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana,
which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. An MMTC shall The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. An MMTC shall The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the MMTC’s medical marijuana treatment center’s standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. An MMTC A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. An MMTC A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.


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

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

   (II) The name of the MMTC medical marijuana treatment center from which the marijuana originates.
(III) The batch number and harvest number from which the marijuana originates and the date that the marijuana is sold or dispensed.

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

(V) The name of the patient.

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

(VII) The recommended dose.

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

(VII) A marijuana universal symbol developed by the department.

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

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

12. In addition to the packaging and labeling requirements specified in subparagraphs 10. and 11. and 12. marijuana in a form for smoking must be packaged in a sealed
receptacle with a legible and prominent warning to keep the receptacle away from children and a warning that states that marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the MMTC’s medical marijuana treatment center’s department-approved logo and the marijuana universal symbol.

13. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from an MMTC medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

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

(d) Retail licenses.–
1. A registered MMTC may apply for a retail license. When applying, the MMTC must provide the department with at least all of the following:
   a. A completed retail license application form.
   b. A statement by the applicant which indicates whether the applicant intends to dispense by delivery. A retail licensee may not deliver marijuana without also obtaining a transportation license pursuant to paragraph (f).
   c. The physical address of each location where the applicant will dispense or store marijuana.
   d. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant’s principals.
   e. Proof of operating procedures designed to secure and maintain accountability for all marijuana that the applicant receives and possesses, to ensure that only the allowed amount of marijuana is sold or dispensed, to ensure that the specified type of marijuana is correctly dispensed to a qualified patient or his or her caregiver pursuant to a physician certification, and to monitor the medical marijuana patient registry and electronically update the registry with dispensing information.

2. A retail license expires 2 years after the date it is issued. The retail licensee must apply for license renewal before the expiration date. To renew a license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (b); and must not have any outstanding substantial violations of the applicable standards adopted by department rule.
3. Before beginning to sell, dispense, or store marijuana, the licensee shall obtain a facility permit from the department for each location where marijuana will be sold, dispensed, or stored. If a facility’s permit expires or is suspended or revoked, the MMTC must cease all applicable operations at that facility until the department inspects the facility and renews or reinstates the facility’s permit.

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

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

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

7.16. When dispensing marijuana or a marijuana delivery device, a licensed retail MMTC medical marijuana treatment center:
   a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

   b. May not dispense more than one 70-day supply of marijuana within any 70-day period to a qualified patient or
caregiver and may not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

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

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

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

f. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed only to the qualified patient’s caregiver.

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

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

i.g. M ust. Upon dispensing the marijuana or marijuana delivery device to a qualified patient or caregiver, shall record in the registry the date, time, quantity, and form of marijuana dispersed; the type of marijuana delivery device dispersed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

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

(e) Security.—To ensure the safety and security of
premises where the cultivation, processing, storing, or
dispensing of marijuana occurs, and to maintain adequate
controls against the diversion, theft, and loss of marijuana or
marijuana delivery devices, an MMTC shall do all of the following:
  1.a. Maintain a fully operational security alarm system
that secures all entry points and perimeter windows and is
equipped with motion detectors; pressure switches; and duress,
panic, and hold-up alarms.

b. Maintain a video surveillance system that records
continuously, 24 hours a day, and meets all the following
criteria:
   (I) Cameras are fixed in a place that allows for the clear
identification of persons and activities in controlled areas of
the premises. Controlled areas include grow rooms, processing
rooms, storage rooms, disposal rooms or areas, and point-of-sale
rooms.
   (II) Cameras are fixed in entrances and exits to the
premises in a place that allows recording, which shall record
from both indoor and outdoor, or ingress and egress, vantage
points.
   (III) Produces recorded images that must clearly and
accurately display the time and date of recording.
   (IV) Retain video surveillance recordings for at least 45
days or longer upon the request of a law enforcement agency.

2. Ensure that the MMTC’s outdoor premises have sufficient lighting from dusk
until dawn.

3. Ensure that the indoor premises where dispensing occurs
include a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and the area where dispensing occurs. An MMTC may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Cease dispensing marijuana or a marijuana delivery device from its premises between the hours of 11 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

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

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

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

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

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

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

(f) Transportation licenses; vehicle permits.—

1. A registered MMTC may apply for a transportation license. When applying, the MMTC shall provide the department
with at least all of the following:

   a. The physical address of the MMTC’s place of business.
   b. Proof that the MMTC has a documentation system in accordance with the required seed-to-sale tracking system, including transportation manifests, for transporting marijuana between licensed facilities and to qualified patients. Transportation manifests may be electronically stored and presented.
   c. Proof of the MMTC’s compliance with health and sanitation standards for the transportation of marijuana.
   d. Proof that all marijuana transported between licensed facilities will be transported in tamper-evident shipping containers.

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

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

4. An MMTC with a transportation license may obtain a vehicle permit upon submission of an application. The MMTC must designate as the driver for each permitted vehicle an employee or contracted employee who is registered with the department and who is authorized to possess marijuana when not on the property of the MMTC. Such designation must be displayed in the vehicle at all times. Each permitted vehicle must be GPS monitored. A vehicle permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the
MMTC’s registration or transportation license is transferred, canceled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

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

6. An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and marijuana delivery devices to other MMTCs, to qualified patients and caregivers within this state, and to adults 21 years of age or older within this state. A county or municipality may not prohibit deliveries of marijuana and marijuana delivery devices to qualified patients within the county or municipality. Deliveries may be made only to the qualified patient who placed the order or his or her caregiver. When delivering to a qualified patient or caregiver, an MMTC or its contractor shall verify the identity of the qualified patient upon placement of the delivery order and, again, upon delivery. When delivering marijuana to an adult 21 years of age or older, an MMTC or its contractor shall verify the age of the buyer upon placement of the order and, again, upon delivery. In order to verify the age of the buyer, the MMTC must determine that the appearance of the buyer is such that a prudent person would believe the buyer to be 21 years of age or older or must carefully check the buyer’s driver license, identification card issued by this state or another state of the
United States, passport, or United States Armed Services identification card to determine the buyer’s age. The department shall adopt rules specific to the delivery of marijuana which include both of the following:

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

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

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

(g) Facility permits.—

1. Before cultivating, processing, dispensing, or storing marijuana at any location, an MMTC shall apply to the department for the applicable facility permit for that facility. The department shall adopt by rule an application form. Upon receiving a request for a permit from a licensee, the department shall inspect the facility for compliance with this section and rules adopted hereunder, and, upon a determination of compliance, shall issue a permit to the facility. The department
shall issue or deny a facility permit within 30 days after receiving the request for the permit.

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

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

4. Cultivation facilities and processing facilities:
   a. Shall maintain insurance with at least $1 million of hazard and liability insurance per location; and
   b. Must be secure, closed to the public, and, unless an ordinance allows the facility to be located closer, must be located at least 1,000 feet away from any existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.

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

6. Dispensing facilities and storage facilities:
   a. Shall maintain insurance with at least $500,000 of hazard and liability insurance for each facility where marijuana is dispensed or stored; and
   b. Unless an ordinance allows the facility to be located closer, must be located at least 1,000 feet away from any existing public or private elementary or secondary school, child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.
care facility as defined in s. 402.302, or licensed service
provider offering substance abuse services.

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

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

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

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

8. The department may adopt by rule additional requirements
for the permitting of cultivation, processing, dispensing, and
storage facilities to ensure the sanitary, safe, and secure
cultivation, processing, dispensing, storage, and sale of
marijuana.
To ensure the safe transport of marijuana and marijuana
delivery devices to medical marijuana treatment centers,
marijuana testing laboratories, or qualified patients, a medical
marijuana treatment center must:

1. Maintain a marijuana transportation manifest in any
vehicle transporting marijuana. The marijuana transportation
manifest must be generated from a medical marijuana treatment
center’s seed-to-sale tracking system and include the:
   a. Departure date and approximate time of departure.
   b. Name, location address, and license number of the
   originating medical marijuana treatment center.
   e. Name and address of the recipient of the delivery.
   d. Quantity and form of any marijuana or marijuana delivery
device being transported.
   e. Arrival date and estimated time of arrival.
   f. Delivery vehicle make and model and license plate
   number.
   g. Name and signature of the medical marijuana treatment
center employees delivering the product.
   (I) A copy of the marijuana transportation manifest must be
   provided to each individual, medical marijuana treatment center,
or marijuana testing laboratory that receives a delivery. The
   individual, or a representative of the center or laboratory,
   must sign a copy of the marijuana transportation manifest
   acknowledging receipt.
   (II) An individual transporting marijuana or a marijuana
delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.

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

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

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

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

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

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

(h) Advertising.—An MMTC may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. An MMTC dispensing facility The dispensing location of A medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensing facility as a dispensary by the licensee’s business name, a department-approved trade name, or a
department-approved logo. An MMTC’s A medical marijuana treatment center’s trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.

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

   a. All advertisements must be approved by the department.
   b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.
   c. An advertisement may not be an unsolicited pop-up advertisement.
   d. Opt-in marketing must include an easy and permanent opt-out feature.

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

   1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.
   2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.
   3. The price for each marijuana delivery device available for purchase.
4. If applicable, any discount policies and eligibility criteria for such discounts.

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

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

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

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

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

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

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

   4. An indication as to whether the applicant will be authorized by the MMTC to possess marijuana while not on MMTC property.
(b) Once the department has received a completed application form from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee’s name and the name of the MMTC that employs him or her.
2. The employee’s photograph, as required under paragraph (a).
3. The expiration date of the card, which must be 1 year after the date it is issued.
4. An indication of whether the employee is authorized by the MMTC to possess marijuana while not on MMTC property.

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

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

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

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

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

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

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

(a) The department shall conduct announced or unannounced
inspections of medical marijuana treatment centers to determine
compliance with this section or rules adopted pursuant to this
section.
(b) The department shall inspect a medical marijuana treatment center Upon receiving a complaint or notice that a medical marijuana treatment center (MMTC) has dispensed marijuana containing mold, bacteria, or another contaminant that may cause or has caused an adverse effect to human health or the environment, the department shall inspect the MMTC, its facilities, and, as appropriate, any cultivation or processing facility of the MMTC from which the batch of marijuana was purchased.

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

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

(e) The department shall publish a list of all approved MMTCs medical marijuana treatment centers, medical directors,
and qualified physicians on its website.

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

1. Violating this section or department rule.
2. Failing to maintain qualifications for approval.
3. Endangering the health, safety, or security of a qualified patient or an adult purchasing marijuana pursuant to s. 381.990.
4. Improperly disclosing personal and confidential information of the qualified patient.
5. Attempting to procure **MMTC medical marijuana treatment center** approval by bribery, fraudulent misrepresentation, or extortion.
6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC a medical marijuana treatment center.
7. Making or filing a report or record that the **MMTC medical marijuana treatment center** knows to be false.
8. Willfully failing to maintain a record required by this section or department rule.
9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC a medical marijuana treatment center.
11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC a medical marijuana treatment center.

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

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

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

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

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

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

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

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

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

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, MMTC medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge an MMTC a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such...
municipality or county to pharmacies. A dispensing facility
location approved by a municipality or county pursuant to former
s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
location requirements of this subsection.

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

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

(12) PENALTIES.—

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

(b) A person who fraudulently represents that he or she has
a qualifying medical condition to a qualified physician for the
purpose of being issued a physician certification commits a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.
(c) 1. A person qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public is subject to a civil fine not exceeding $100.

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

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

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

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

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

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

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

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

(i)(j) A person or entity that cultivates, processes,
distributes, sells, or dispenses marijuana, as defined in s.
29(b)(4), Art. X of the State Constitution, and is not licensed
as an MMTC medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein. This paragraph does not apply to a transfer of marijuana products or marijuana which is authorized by this section, s. 381.990, or s. 893.13.

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

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

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient’s
caregiver may purchase from a medical marijuana treatment center (MMTC) for the patient’s medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

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

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

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

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

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

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

(2) A person who purchases marijuana products, marijuana in
a form for smoking, or marijuana delivery devices in accordance
with subsection (1) may possess, use, transport, and transfer,
without consideration, to a person 21 years of age or older such products or devices. However, a person may not possess at any given time marijuana products that contain, in total, more than 2,000 milligrams of tetrahydrocannabinol or more than 4.0 ounces of marijuana in a form for smoking. A violation of this subsection is punishable as provided in s. 893.13.

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

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

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

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

893.13 Prohibited acts; penalties.—

(3)(a) A person 21 years of age or older may deliver,
without consideration, to another person 21 years of age or older:

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

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

(b) A person younger than 21 years of age who delivers, without consideration, to another person marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol or a quantity of 2.5 ounces or less of cannabis, as defined in this chapter, 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 commits 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 who delivers, without consideration, 20 grams or less of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. As used in this subsection, the term “cannabis” does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(6)(a) Except as otherwise provided in this subsection, a person may not be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or
constructive possession of a controlled substance except as otherwise authorized by this chapter. A person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

2. A person under 21 years of age who possesses marijuana products that contain a total of 2,000 milligrams or less of tetrahydrocannabinol or who possesses 4 ounces or less of cannabis, as defined in this chapter, 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 6. Section 893.1352, Florida Statutes, is created to read:

893.1352 Retroactive application of s. 893.13.—
(1) It is the intent of the Legislature to retroactively apply amendments to s. 893.13 to certain persons who were
convicted of possession of cannabis, before January 1, 2021.

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

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

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

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

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

2. A person seeking sentence review under this section may submit an application to the court of original jurisdiction requesting that a sentence review hearing be held. The sentencing court retains original jurisdiction for the duration of the sentence for the purpose of this review.
3. A person who is eligible for a sentence review hearing under this section is entitled to representation by legal counsel. If the person is indigent and unable to employ counsel, the court shall appoint counsel under s. 27.52. Determination of indigence and costs of representation is as provided in ss. 27.52 and 938.29.

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

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

6. If the court finds that the underlying facts of the person’s conviction that is subject to resentencing are not classified as a crime under s. 893.13, the person must be resentenced to time served and released from supervision as soon as reasonably possible.
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 Any person who violates this subsection is guilty of a
2026 misdemeanor of the first degree, punishable as provided in s.
2027 775.082 or s. 775.083.
2028 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2029 as provided in subsection (5), it is unlawful for any person to
deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

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

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

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

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

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

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

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

(5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

(a) A person 21 years of age or older may possess, use, transport, or deliver, without consideration, to a person 21 years of age or older a marijuana delivery device, as defined in
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
(c) The person is no longer under court supervision related to the disposition of arrest or alleged criminal activity for which the petition to expunge pertains.

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

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

1. Satisfies the eligibility criteria in subsection (2);
2. Has submitted to the department a written certified statement from the appropriate state attorney or statewide prosecutor which confirms the criminal history record complies with the criteria in subsection (2);
3. Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains; and
4. Remits a $75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless the executive director waives such fee.

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

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

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

(b) The petitioner’s sworn statement that he or she:
   1. Satisfies the eligibility requirements for expunction in subsection (2); and
   2. Is eligible for expunction to the best of his or her knowledge.

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

(6) COURT AUTHORITY.—

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

(b) A court of competent jurisdiction shall order a criminal justice agency to expunge the criminal history record of a person who complies with this section. The court may not order a criminal justice agency to expunge a criminal history record under this section until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility under subsection (3).
(c) Expunction granted under this section does not prevent the person who receives such relief from petitioning for the expunction or sealing of a later criminal history record as provided for in ss. 943.0583, 943.0585, and 943.059, if the person is otherwise eligible under those sections.

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

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

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

(c) The department or any other criminal justice agency is not required to act on an order to expunge entered by a court if such order does not comply with the requirements of this section. Upon receipt of such an order, the department shall notify the issuing court, the appropriate state attorney or
statewide prosecutor, the petitioner or the petitioner’s attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, may arise against any criminal justice agency for failure to comply with an order to expunge if the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, s. 943.059, or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Affairs.
Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, persons with disabilities, or the elderly;

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

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

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

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

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

893.15 Rehabilitation.—Any person who violates s. 893.13(6)(a) or (b) relating to possession may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Children and Families pursuant to the provisions of chapter 397, provided the director of such program approves the placement of the defendant in such program. Such required
participation shall be imposed in addition to any penalty or
probation otherwise prescribed by law. However, the total time
of such penalty, probation, and program participation shall not
exceed the maximum length of sentence possible for the offense.

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