A bill to be entitled
An act relating to medical marijuana retail
c undergrounding; amending s. 381.986, F.S.; revising
definitions of the terms “edibles,” “low-THC
cannabis,” “marijuana,” and “marijuana delivery
device” to include items that are dispensed by a
medical marijuana retail facility; defining the term
“medical marijuana retail facility”; revising the
definition of the term “medical use” to include the
use of marijuana dispensed by a medical marijuana
retail facility; revising the definition of the term
“physician certification” to authorize a qualified
patient to receive marijuana and a marijuana delivery
device from a medical marijuana retail facility;
prohibiting qualified physicians and caregivers from
being employed by or having an economic interest in a
medical marijuana retail facility; requiring that the
medical marijuana use registry maintained by the
Department of Health be accessible to medical
marijuana retail facilities for certain verification
purposes; revising provisions to authorize medical
marijuana retail facilities to dispense marijuana,
marijuana delivery devices, and edibles under certain
conditions; providing that a medical marijuana retail
c facility is not subject to certain dispensing facility
requirements; requiring that the computer seed-to-sale
marijuana tracking system that is maintained by the
department be used by medical marijuana retail
facilities; specifying that a medical marijuana
...
treatment center may contract with no more than a
specified number of medical marijuana retail
facilities; prohibiting a medical marijuana treatment
center from owning or operating a medical marijuana
retail facility; requiring the department to license
medical marijuana retail facilities, beginning on a
specified date, for a specified purpose; requiring the
department to adopt rules related to the application
form and establishing a procedure for the issuance and
biennial renewal of licenses; requiring that the
department identify applicants with strong diversity
plans and implement training and other educational
programs to enable certain minority persons and
enterprises to qualify for licensure; prohibiting an
individual identified as an applicant, owner, officer,
board member, or manager from being listed as such on
more than one application for licensure as a medical
marijuana retail facility; prohibiting an individual
or entity from being awarded more than one facility
license; providing that each such license is valid for
only one physical location; prohibiting a medical
marijuana treatment center from being awarded a
license as a medical marijuana retail facility;
requiring that applicants demonstrate that they
satisfy certain criteria; prohibiting a medical
marijuana retail facility from making a wholesale
purchase of marijuana from a medical marijuana
treatment center and from transporting marijuana,
marijuana delivery devices, or edibles; specifying
that a medical marijuana retail facility may contract with only one medical marijuana treatment center; providing requirements for the transfer of ownership of a medical marijuana retail facility; prohibiting medical marijuana retail facilities and any individuals who control or have a certain ownership or voting interest in such facilities from acquiring certain direct or indirect ownership or control of another medical marijuana retail facility; prohibiting certain profit-sharing arrangements; providing operational and dispensing requirements and prohibitions for medical marijuana retail facilities; prohibiting a medical marijuana retail facility from engaging in Internet sales; prohibiting certain medical marijuana retail facility advertising and providing exceptions; requiring that certain information be posted on a medical marijuana retail facility website; authorizing the department to adopt rules; requiring the department to conduct periodic inspections of such facilities; authorizing counties and municipalities to determine the location of such facilities by ordinance under certain conditions; imposing criminal penalties on persons or entities that engage in specified unlicensed activities; providing that a medical marijuana retail facility and its owners, managers, and employees are exempt from prosecution for certain offenses and from other specified regulations and requirements; amending s. 381.987, F.S.; requiring the department to allow a
medical marijuana retail facility to access confidential and exempt information in the medical marijuana use registry for certain verification purposes; providing an effective date.

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

Section 1. Present subsections (9) through (17) of section 381.986, Florida Statutes, are redesignated as subsections (10) through (18), respectively, a new subsection (9) is added to that section, and subsections (1) and (3), paragraph (f) of subsection (4), paragraphs (a) and (f) of subsection (5), paragraph (b) of subsection (6), subsection (8), and present subsections (10), (11), (12), and (14) of that section are amended, to read:

381.986 Medical use of marijuana.—

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

(a) “Caregiver” means a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).

(b) “Chronic nonmalignant pain” means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.

(c) “Close relative” means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.

(d) “Edibles” means commercially produced food items made
with marijuana oil, but no other form of marijuana, which are produced and dispensed by a medical marijuana treatment center or dispensed by a medical marijuana retail facility.

(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 or a medical marijuana retail facility.

(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 or a medical marijuana retail facility 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 is dispensed from a medical marijuana treatment center or a medical marijuana retail facility for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center or a medical marijuana retail facility in order to qualify as marijuana delivery devices.
(h) “Marijuana testing laboratory” means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.

(i) “Medical director” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).

(j) “Medical marijuana retail facility” means a facility licensed by the department pursuant to subsection (9) to dispense medical marijuana and marijuana delivery devices acquired from a licensed medical marijuana treatment center to qualified patients and caregivers.

(k) (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 a medical marijuana treatment center or a medical marijuana retail facility.

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).

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

   (m)(l) “Qualified patient” means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.

   (n)(m) “Qualified physician” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and
is in compliance with the physician education requirements of subsection (3).

(o) "Smoking" means burning or igniting a substance and inhaling the smoke.

(p) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician, as defined in paragraph (1)(n) paragraph (1)(m), and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500. A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before June 23, 2017, shall be deemed to be in compliance with this paragraph from June 23, 2017, until 90 days after the course and examination required by this paragraph become available.

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

(c) Before being employed as a medical director, as defined in paragraph (1)(i), and before each license renewal, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(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 or a medical marijuana retail facility. 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 (15)(a) (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, and medical marijuana retail facilities 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 a medical marijuana treatment center or a medical marijuana retail facility.

(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, a medical marijuana retail facility, 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 provided in this paragraph.
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 background screening pursuant to subsection (10) subsection (9), unless the patient is a close relative of the caregiver.

(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
under this sub-subparagraph is exempt from the requirement of
subparagraph (b)2.

c. 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 sub-
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:


(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.

c. 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-subparagraph, 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. A medical marijuana retail facility is not subject to the dispensing facility requirements of this subparagraph.

e. 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. 381.989 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-subparagraph 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 (10) 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.

(d) The department shall 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 medical marijuana treatment centers, medical marijuana retail facilities, 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 medical marijuana treatment center and each medical marijuana retail facility 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 medical marijuana treatment center and each medical marijuana retail facility 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 a medical
marijuana treatment center, a medical marijuana retail facility, or a marijuana testing laboratory.

(e) A licensed medical marijuana treatment center may 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 and 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 no more than 10 licensed medical marijuana retail facilities to dispense a single entity for the cultivation, processing, transporting, and dispensing of marijuana, and marijuana delivery devices, and edibles pursuant to subsection (9). 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. A medical marijuana treatment center may not directly or indirectly own or operate a medical marijuana retail facility.

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 (10) 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.

6. When growing marijuana, a 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. Must grow marijuana within an enclosed structure and in a room separate from any other plant.
   c. 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. 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.

8. 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 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.

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.

11. When processing marijuana, a medical marijuana treatment center must:
   a. Process the marijuana within an enclosed 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 medical marijuana treatment centers to use such solvents or gases 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 dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the 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 shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. 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. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the 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. 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. 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) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the
marijuana originates and the date 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.

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

12. The medical marijuana treatment center shall include in each package 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.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states 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 medical
marijuana treatment center’s department-approved logo and the
marijuana universal symbol.

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

15. Each edible shall be individually sealed in plain,
opaque wrapping marked only with the marijuana universal symbol.
Where practical, each edible shall be marked with the marijuana
universal symbol. In addition to the packaging and labeling
requirements in subparagraphs 11. and 12., edible receptacles
must be plain, opaque, and white without depictions of the
product or images other than the 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, an expiration date,
a legible and prominent warning to keep away from children and
pets, and a warning that the edible has not been produced or
inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery
device, a 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 a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. 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. Must have the medical marijuana treatment center’s employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and 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, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. 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.

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.

g. Must, upon dispensing the marijuana or marijuana
delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

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

(f) 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, a medical marijuana treatment center shall:

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; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets 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, which shall record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.
(IV) Retain Video surveillance recordings are retained for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the medical marijuana treatment center’s outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes 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 area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 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.

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 local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.
(g) 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.
   c. 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) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. 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 dispensary by the licensee’s business name, a department-approved trade name, or a department-approved logo. 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. 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) Each 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) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana only from a medical marijuana treatment center or a medical marijuana retail facility.
(k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department shall license medical marijuana retail facilities to ensure reasonable statewide accessibility and availability as necessary for qualified patients who are registered in the medical marijuana use registry and who are issued a physician certification under this section. The department shall begin issuing medical marijuana retail facility licenses by August 1, 2020.

(a) An applicant for licensure as a medical marijuana retail facility 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. The department shall identify applicants with strong diversity plans reflecting this state’s commitment to diversity and it shall 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 qualify for medical marijuana retail facility licensure and contracts. The department shall issue a license to an applicant if the applicant meets the requirements of this subsection and rules adopted under this subsection. The department shall renew the licensure of a medical marijuana retail facility biennially if the licensee meets the requirements of this subsection and rules adopted under this subsection. An individual may not be an applicant, owner, officer, board member, or manager on more than
one application for licensure as a medical marijuana retail facility. An individual or entity may not be awarded more than one license as a medical marijuana retail facility. Each medical marijuana retail facility license is valid for one physical location. A medical marijuana treatment center may not be awarded a license to operate a medical marijuana retail facility.

(b) An applicant for licensure as a medical marijuana retail facility must demonstrate:

1. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana retail facility.

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

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

4. 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.

5. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (10).

6. The employment of a medical director to supervise the activities of the medical marijuana retail facility.

7. 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.
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 retail facility’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.

8. Proof of liability insurance coverage of at least $250,000 for each facility that dispenses or stores marijuana or medical marijuana delivery devices.

(c) A medical marijuana retail facility may not make a wholesale purchase of marijuana from a medical marijuana treatment center.

(d) A medical marijuana retail facility may not transport marijuana, marijuana delivery devices, or edibles.

(e) A medical marijuana retail facility may contract with only one medical marijuana treatment center to dispense marijuana, marijuana delivery devices, or edibles to a qualified patient or caregiver.

(f)1. A medical marijuana retail facility may transfer ownership to an individual or entity that 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 retail facility. To accommodate a change in ownership:

a. The medical marijuana retail facility 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 the 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 must be withdrawn
from further consideration, and any 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 retail facility, and any individual
or entity that directly or indirectly owns, controls, or holds
with power to vote 5 percent or more of the voting shares of a
medical marijuana retail facility, may not acquire direct or
indirect ownership or control of any voting shares or other form
of ownership of any other medical marijuana retail facility.

3. A medical marijuana retail facility may not enter into
any form of profit-sharing arrangement with the property owner
or lessor of any of its facilities where storing or dispensing
of marijuana and marijuana delivery devices occurs.
4. All employees of a medical marijuana retail facility must be 21 years of age or older and have passed a background screening pursuant to subsection (10).

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

6. Each medical marijuana retail facility must make available for purchase at least one low-THC cannabis product.

7. A medical marijuana retail facility may not repackage or modify marijuana or a medical marijuana delivery device packaged for retail sale by a contracted medical marijuana treatment center.

8. A medical marijuana retail facility may not process or produce edibles, but it may dispense to a qualified patient or caregiver edibles in the original packaging and with the original labeling affixed as received from a contracted medical marijuana treatment center. Onsite consumption of marijuana or edibles at a medical marijuana retail facility is prohibited. The department may select a random sample from edibles available for purchase in a medical marijuana retail facility to be tested by the department to determine whether the edible meets the potency requirements of subparagraph (8)(e)8. and is safe for human consumption, and whether the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana retail facility may not require payment from the department for the sample. A medical marijuana retail facility must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency
9. When dispensing marijuana or a marijuana delivery device, a medical marijuana retail facility:

   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 a 70-day supply of marijuana to a qualified patient or caregiver.

   c. Must require that its employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

   d. Must verify that the qualified patient and 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, and that the physician certification has not already been filled.

   e. 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 be dispensed only to the qualified patient’s caregiver.

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

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana or marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana retail facility employees.

(g) To ensure the safety and security of premises where the storing or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana retail facility shall:

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; and

1.b. Maintain a video surveillance system that records continuously, 24 hours a day, and meets the following criteria:

1. (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 and record from indoor and outdoor, or ingress and
egress, vantage points.

(III) Recorded images clearly and accurately display the
time and date.

(IV) Video surveillance recordings are retained for at
least 45 days, or longer upon the request of a law enforcement
agency.

2. Ensure that the 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. A medical marijuana retail
facility may not display products or dispense marijuana or
marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana
delivery device between the hours of 9 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.

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.


10. Report to local law enforcement within 24 hours after being notified or becoming aware of the theft, diversion, or loss of marijuana.

(h) A medical marijuana retail facility may not engage in Internet sales.

(i) A medical marijuana retail facility may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. A medical marijuana retail facility may have a sign that is affixed to the outside, or hanging in the window, of the premises which identifies the facility by the licensee’s business name, a department-approved trade name, or a department-approved logo. A medical marijuana retail facility’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. A medical marijuana retail facility 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-
(j) Each medical marijuana retail facility that dispenses marijuana, marijuana delivery devices, or edibles shall make available to the public on its website:

1. Information on each marijuana and low-THC cannabis product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, and total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each such product.

2. The price of a 30-day supply, 50-day supply, and 70 day supply at a standard dose for each marijuana and low-THC cannabis 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.

(k) A qualified patient may legally obtain medical marijuana only from a medical marijuana treatment center or a medical marijuana retail facility.

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

(11)(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.—

(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers and medical marijuana retail facilities 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 the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center and each medical marijuana retail facility to evaluate the medical marijuana treatment center’s or medical marijuana retail facility’s records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(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 medical marijuana treatment centers, medical directors, medical marijuana retail facilities, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed $10,000 on a medical marijuana treatment center or a medical marijuana retail facility 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.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure medical marijuana treatment center or medical marijuana retail facility 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 a medical marijuana treatment center or a medical marijuana retail facility.

7. Making or filing a report or record that the medical marijuana treatment center or medical marijuana retail facility 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 a medical marijuana treatment center or a medical marijuana retail facility.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center or a medical marijuana retail facility.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to
the business practices of a medical marijuana treatment center or a medical marijuana retail facility 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.

(g) The department may suspend, revoke, or refuse to renew the license of a medical marijuana treatment center or a medical marijuana retail facility license if the medical marijuana treatment center or medical marijuana retail facility commits any of the violations in paragraph (f).

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

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

(a) 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 medical marijuana treatment center dispensing facilities or medical marijuana retail facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities or medical marijuana retail facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing
facilities or medical marijuana retail 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, medical marijuana treatment center dispensing facilities or medical marijuana retail 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 and medical marijuana retail 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 determining the location of dispensing facilities and medical marijuana retail 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 a medical marijuana treatment center or a medical marijuana retail facility 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) A medical marijuana treatment center dispensing facility or a medical marijuana retail 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 medical marijuana treatment center dispensing facilities and medical marijuana retail 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.

(13) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if 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) A 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; in a school bus, a vehicle, 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 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 or a medical marijuana retail facility 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.

(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.

(g) A qualified physician who issues a physician
certification for marijuana or a marijuana delivery device and receives compensation from 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).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest 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.

(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.

(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 a medical marijuana treatment center or as a medical marijuana retail facility violates s. 893.13 and is subject to the penalties provided therein.

(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 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 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 medical marijuana treatment center.

(l) A person who 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 been dispensed from a licensed medical marijuana retail facility 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 medical marijuana retail facility and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana retail facility.

(m) 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.

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 or a medical marijuana retail facility 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 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, a licensed an approved 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, in s. 381.988, 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.

(d) 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 medical marijuana retail facility and its
owners, managers, and employees may possess, sell, distribute,
dispense, and lawfully dispose of marijuana or a marijuana
delivery device as provided in this section, in s. 381.988, and
by department rule. For the purposes of this subsection, the
terms “possession,” “distribute,” and “dispense” have the same
meanings as provided in s. 893.02.

(e) 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 certified marijuana testing laboratory,
including an employee of a certified marijuana testing
laboratory acting within the scope of his or her employment, may
acquire, possess, test, transport, and lawfully dispose of
marijuana as provided in this section, in s. 381.988, and by
department rule.

(f) A licensed 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.

(g) A licensed medical marijuana retail facility and its
owners, managers, and employees are not subject to licensure or
regulation under chapter 465 or chapter 499 for possessing,
selling, 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.

(h) This subsection does not exempt a person from
prosecution for a criminal offense related to impairment or intoxication resulting from the medical 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.

(i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

(j) 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 research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

Section 2. Section 381.987, Florida Statutes, is amended to read:

381.987 Public records exemption for personal identifying information relating to medical marijuana held by the department.—

(1) The following information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) A patient’s or caregiver’s personal identifying
information held by the department in the medical marijuana use registry established under s. 381.986, including, but not limited to, the patient’s or caregiver’s name, address, date of birth, photograph, and telephone number.

(b) All personal identifying information collected for the purpose of issuing a patient’s or caregiver’s medical marijuana use registry identification card described in s. 381.986.

(c) All personal identifying information pertaining to the physician certification for marijuana and the dispensing thereof held by the department, including, but not limited to, information related to the patient’s diagnosis, except requests to the daily dose amount limit, and the qualified patient’s experience related to the medical use of marijuana.

(d) A qualified physician’s Drug Enforcement Administration number, residential address, and government-issued identification card.

(2) The department shall allow access to the confidential and exempt information in the medical marijuana use registry to:

(a) A law enforcement agency that is investigating a violation of law regarding marijuana in which the subject of the investigation claims an exception established under s. 381.986, except for information related to the patient’s diagnosis.

(b) A medical marijuana treatment center or a medical marijuana retail facility that is licensed approved by the department pursuant to s. 381.986 which is attempting to verify the authenticity of a physician certification for marijuana, including whether the certification had been previously filled and whether the certification was issued for the person attempting to have it filled, except for information related to
the patient’s diagnosis.

(c) A physician who has issued a certification for marijuana for the purpose of monitoring the patient’s use of such marijuana or for the purpose of determining, before issuing a certification for marijuana, whether another physician has issued a certification for the patient’s use of marijuana. The physician may access the confidential and exempt information only for the patient for whom he or she has issued a certification or is determining whether to issue a certification for the use of marijuana pursuant to s. 381.986.

(d) A practitioner licensed to prescribe prescription medications to ensure proper care of a patient before prescribing medication to that patient which may interact with marijuana.

(e) An employee of the department for the purposes of maintaining the registry and periodic reporting or disclosure of information that has been redacted to exclude personal identifying information.

(f) An employee of the department for the purposes of reviewing physician registration and the issuance of physician certifications to monitor practices that could facilitate unlawful diversion or the misuse of marijuana or a marijuana delivery device.

(g) The department’s relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a physician if he or she is involved in a specific investigation of a violation of s. 381.986. If a health care regulatory board’s investigation reveals potential criminal activity, the board may provide any relevant information to the appropriate
law enforcement agency.

(h) The Consortium for Medical Marijuana Clinical Outcomes Research established in s. 1004.4351(4).

(i) A person engaged in bona fide research if the person agrees:

1. To submit a research plan to the department which specifies the exact nature of the information requested and the intended use of the information;
2. To maintain the confidentiality of the records or information if personal identifying information is made available to the researcher;
3. To destroy any confidential and exempt records or information obtained after the research is concluded; and
4. Not to contact, directly or indirectly, for any purpose, a patient or physician whose information is in the registry.

(3) The department shall allow access to the confidential and exempt information pertaining to the physician certification for marijuana and the dispensing thereof, whether in the registry or otherwise held by the department, to:

(a) An employee of the department for the purpose of approving or disapproving a request for an exception to the daily dose amount limit for a qualified patient; and
(b) The Consortium for Medical Marijuana Clinical Outcomes Research pursuant to s. 381.986 for the purpose of conducting research regarding the medical use of marijuana.

(4) All information released by the department under subsections (2) and (3) remains confidential and exempt, and a person who receives access to such information must maintain the confidential and exempt status of the information received.
(5) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. This act shall take effect upon becoming a law.