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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/13/2020 03:20 PM

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Senator Brandes moved the following:

1           **Senate Amendment to Amendment (624474) (with title**  
2 **amendment)**

3  
4           Between lines 218 and 219  
5 insert:

6           Section 5. Paragraph (b) of subsection (8) of section  
7 381.986, Florida Statutes, is amended to read:

8           381.986 Medical use of marijuana.—

9           (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

10           (b) An applicant for licensure as a medical marijuana  
11 treatment center shall apply to the department on a form



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12 prescribed by the department and adopted in rule. The department  
13 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
14 establishing a procedure for the issuance and biennial renewal  
15 of licenses, including initial application and biennial renewal  
16 fees sufficient to cover the costs of implementing and  
17 administering this section, and establishing supplemental  
18 licensure fees for payment beginning May 1, 2018, sufficient to  
19 cover the costs of administering ss. 381.989 and 1004.4351. The  
20 department shall refuse to renew the license of a medical  
21 marijuana treatment center that has not begun to cultivate,  
22 process, and dispense marijuana by the date that the medical  
23 marijuana treatment center is required to renew its license. The  
24 department shall identify applicants with strong diversity plans  
25 reflecting this state's commitment to diversity and implement  
26 training programs and other educational programs to enable  
27 minority persons and minority business enterprises, as defined  
28 in s. 288.703, and veteran business enterprises, as defined in  
29 s. 295.187, to compete for medical marijuana treatment center  
30 licensure and contracts. Subject to the requirements in  
31 subparagraphs (a)2.-4., the department shall issue a license to  
32 an applicant if the applicant meets the requirements of this  
33 section and pays the initial application fee. The department  
34 shall renew the licensure of a medical marijuana treatment  
35 center biennially if the licensee meets the requirements of this  
36 section and pays the biennial renewal fee. An individual may not  
37 be an applicant, owner, officer, board member, or manager on  
38 more than one application for licensure as a medical marijuana  
39 treatment center. An individual or entity may not be awarded  
40 more than one license as a medical marijuana treatment center.



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41 An applicant for licensure as a medical marijuana treatment  
42 center must demonstrate:

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

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

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

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

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

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

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

65 a. Upon approval, the applicant must post a \$5 million  
66 performance bond issued by an authorized surety insurance  
67 company rated in one of the three highest rating categories by a  
68 nationally recognized rating service. However, a medical  
69 marijuana treatment center serving at least 1,000 qualified



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70 patients is only required to maintain a \$2 million performance  
71 bond.

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

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

85       9. The employment of a medical director to supervise the  
86 activities of the medical marijuana treatment center.

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

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

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

98       c. A record of contracts for services with minority



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99 business enterprises and veteran business enterprises.

100

101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

103       Between lines 2035 and 2036

104 insert:

105       381.986, F.S.; requiring the Department of Health to  
106       refuse to renew a medical marijuana treatment center's  
107       license under certain circumstances; amending s.