

1                   A bill to be entitled  
2           An act relating to medical marijuana retail  
3           facilities; amending s. 381.986, F.S.; revising  
4           definitions of the terms "edibles," "low-THC  
5           cannabis," "marijuana," and "marijuana delivery  
6           device" to include items that are dispensed by a  
7           medical marijuana retail facility; defining the term  
8           "medical marijuana retail facility"; revising the  
9           definition of the term "medical use" to include the  
10          use of marijuana dispensed by a medical marijuana  
11          retail facility; revising the definition of the term  
12          "physician certification" to authorize a qualified  
13          patient to receive marijuana and a marijuana delivery  
14          device from a medical marijuana retail facility;  
15          prohibiting qualified physicians and caregivers from  
16          being employed by or having an economic interest in a  
17          medical marijuana retail facility; requiring that the  
18          medical marijuana use registry maintained by the  
19          Department of Health be accessible to medical  
20          marijuana retail facilities for certain verification  
21          purposes; revising provisions to authorize medical  
22          marijuana retail facilities to dispense marijuana,  
23          marijuana delivery devices, and edibles under certain  
24          conditions; providing that a medical marijuana retail  
25          facility is not subject to certain dispensing facility

26 requirements; requiring that the computer seed-to-sale  
27 marijuana tracking system that is maintained by the  
28 department be used by medical marijuana retail  
29 facilities; specifying that a medical marijuana  
30 treatment center may contract with no more than a  
31 specified number of medical marijuana retail  
32 facilities; prohibiting a medical marijuana treatment  
33 center from owning or operating a medical marijuana  
34 retail facility; requiring the department to license  
35 medical marijuana retail facilities, beginning on a  
36 specified date, for a specified purpose; requiring the  
37 department to adopt rules related to the application  
38 form and establishing a procedure for the issuance and  
39 biennial renewal of licenses; requiring that the  
40 department identify applicants with strong diversity  
41 plans and implement training and other educational  
42 programs to enable certain minority persons and  
43 enterprises to qualify for licensure; prohibiting an  
44 individual identified as an applicant, owner, officer,  
45 board member, or manager from being listed as such on  
46 more than one application for licensure as a medical  
47 marijuana retail facility; prohibiting an individual  
48 or entity from being awarded more than one facility  
49 license; providing that each such license is valid for  
50 only one physical location; prohibiting a medical

51 marijuana treatment center from being awarded a  
52 license as a medical marijuana retail facility;  
53 requiring that applicants demonstrate that they  
54 satisfy certain criteria; prohibiting a medical  
55 marijuana retail facility from making a wholesale  
56 purchase of marijuana from a medical marijuana  
57 treatment center and from transporting marijuana,  
58 marijuana delivery devices, or edibles; specifying  
59 that a medical marijuana retail facility may contract  
60 with only one medical marijuana treatment center;  
61 providing requirements for the transfer of ownership  
62 of a medical marijuana retail facility; prohibiting  
63 medical marijuana retail facilities and any  
64 individuals who control or have a certain ownership or  
65 voting interest in such facilities from acquiring  
66 certain direct or indirect ownership or control of  
67 another medical marijuana retail facility; prohibiting  
68 certain profit-sharing arrangements; providing  
69 operational and dispensing requirements and  
70 prohibitions for medical marijuana retail facilities;  
71 prohibiting a medical marijuana retail facility from  
72 engaging in Internet sales; prohibiting certain  
73 medical marijuana retail facility advertising and  
74 providing exceptions; requiring that certain  
75 information be posted on a medical marijuana retail

76 facility website; authorizing the department to adopt  
77 rules; requiring the department to conduct periodic  
78 inspections of such facilities; authorizing counties  
79 and municipalities to determine the location of such  
80 facilities by ordinance under certain conditions;  
81 imposing criminal penalties on persons or entities  
82 that engage in specified unlicensed activities;  
83 providing that a medical marijuana retail facility and  
84 its owners, managers, and employees are exempt from  
85 prosecution for certain offenses and from other  
86 specified regulations and requirements; amending s.  
87 381.987, F.S.; requiring the department to allow a  
88 medical marijuana retail facility to access  
89 confidential and exempt information in the medical  
90 marijuana use registry for certain verification  
91 purposes; providing an effective date.

92  
93 Be It Enacted by the Legislature of the State of Florida:

94  
95 Section 1. Present subsections (9) through (17) of section  
96 381.986, Florida Statutes, are redesignated as subsections (10)  
97 through (18), respectively, a new subsection (9) is added to  
98 that section, and subsections (1) and (3), paragraph (f) of  
99 subsection (4), paragraphs (a) and (f) of subsection (5),  
100 paragraph (b) of subsection (6), subsection (8), and present

101 subsections (10), (11), (12), and (14) of that section are  
102 amended, to read:

103 381.986 Medical use of marijuana.—

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

105 (a) "Caregiver" means a resident of this state who has  
106 agreed to assist with a qualified patient's medical use of  
107 marijuana, has a caregiver identification card, and meets the  
108 requirements of subsection (6).

109 (b) "Chronic nonmalignant pain" means pain that is caused  
110 by a qualifying medical condition or that originates from a  
111 qualifying medical condition and persists beyond the usual  
112 course of that qualifying medical condition.

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

116 (d) "Edibles" means commercially produced food items made  
117 with marijuana oil, but no other form of marijuana, which ~~that~~  
118 are produced and dispensed by a medical marijuana treatment  
119 center or dispensed by a medical marijuana retail facility.

120 (e) "Low-THC cannabis" means a plant of the genus  
121 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
122 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
123 weight for weight; the seeds thereof; the resin extracted from  
124 any part of such plant; or any compound, manufacture, salt,  
125 derivative, mixture, or preparation of such plant or its seeds

126 or resin that is dispensed from a medical marijuana treatment  
127 center or a medical marijuana retail facility.

128 (f) "Marijuana" means all parts of any plant of the genus  
129 *Cannabis*, whether growing or not; the seeds thereof; the resin  
130 extracted from any part of the plant; and every compound,  
131 manufacture, salt, derivative, mixture, or preparation of the  
132 plant or its seeds or resin, including low-THC cannabis, which  
133 are dispensed from a medical marijuana treatment center or a  
134 medical marijuana retail facility for medical use by a qualified  
135 patient.

136 (g) "Marijuana delivery device" means an object used,  
137 intended for use, or designed for use in preparing, storing,  
138 ingesting, inhaling, or otherwise introducing marijuana into the  
139 human body, and which is dispensed from a medical marijuana  
140 treatment center or a medical marijuana retail facility for  
141 medical use by a qualified patient, except that delivery devices  
142 intended for the medical use of marijuana by smoking need not be  
143 dispensed from a medical marijuana treatment center or a medical  
144 marijuana retail facility in order to qualify as marijuana  
145 delivery devices.

146 (h) "Marijuana testing laboratory" means a facility that  
147 collects and analyzes marijuana samples from a medical marijuana  
148 treatment center and has been certified by the department  
149 pursuant to s. 381.988.

150 (i) "Medical director" means a person who holds an active,

151 | unrestricted license as an allopathic physician under chapter  
 152 | 458 or osteopathic physician under chapter 459 and is in  
 153 | compliance with the requirements of paragraph (3)(c).

154 | (j) "Medical marijuana retail facility" means a facility  
 155 | licensed by the department pursuant to subsection (9) to  
 156 | dispense medical marijuana and marijuana delivery devices  
 157 | acquired from a licensed medical marijuana treatment center to  
 158 | qualified patients and caregivers.

159 | (k)~~(j)~~ "Medical use" means the acquisition, possession,  
 160 | use, delivery, transfer, or administration of marijuana  
 161 | authorized by a physician certification. The term does not  
 162 | include:

163 | 1. Possession, use, or administration of marijuana that  
 164 | was not purchased or acquired from a medical marijuana treatment  
 165 | center or a medical marijuana retail facility.

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

169 | 3. Use or administration of any form or amount of  
 170 | marijuana in a manner that is inconsistent with the qualified  
 171 | physician's directions or physician certification.

172 | 4. Transfer of marijuana to a person other than the  
 173 | qualified patient for whom it was authorized or the qualified  
 174 | patient's caregiver on behalf of the qualified patient.

175 | 5. Use or administration of marijuana in the following

176 | locations:

177 |       a. On any form of public transportation, except for low-  
178 | THC cannabis not in a form for smoking.

179 |       b. In any public place, except for low-THC cannabis not in  
180 | a form for smoking.

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

183 |       d. In a state correctional institution, as defined in s.  
184 | 944.02, or a correctional institution, as defined in s. 944.241.

185 |       e. On the grounds of a preschool, primary school, or  
186 | secondary school, except as provided in s. 1006.062.

187 |       f. In a school bus, a vehicle, an aircraft, or a  
188 | motorboat, except for low-THC cannabis not in a form for  
189 | smoking.

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

192 |       (l)~~(k)~~ "Physician certification" means a qualified  
193 | physician's authorization for a qualified patient to receive  
194 | marijuana and a marijuana delivery device from a medical  
195 | marijuana treatment center or a medical marijuana retail  
196 | facility.

197 |       (m)~~(l)~~ "Qualified patient" means a resident of this state  
198 | who has been added to the medical marijuana use registry by a  
199 | qualified physician to receive marijuana or a marijuana delivery  
200 | device for a medical use and who has a qualified patient



201 identification card.

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

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

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

215 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

216 (a) Before being approved as a qualified physician, as  
217 defined in paragraph (1) (n) ~~paragraph (1) (m)~~, and before each  
218 license renewal, a physician must successfully complete a 2-hour  
219 course and subsequent examination offered by the Florida Medical  
220 Association or the Florida Osteopathic Medical Association which  
221 encompass the requirements of this section and any rules adopted  
222 hereunder. The course and examination shall be administered at  
223 least annually and may be offered in a distance learning format,  
224 including an electronic, online format that is available upon  
225 request. The price of the course may not exceed \$500. A

226 physician who has met the physician education requirements of  
227 former s. 381.986(4), Florida Statutes 2016, before June 23,  
228 2017, shall be deemed to be in compliance with this paragraph  
229 from June 23, 2017, until 90 days after the course and  
230 examination required by this paragraph become available.

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

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

245 (4) PHYSICIAN CERTIFICATION.—

246 (f) A qualified physician may not issue a physician  
247 certification for more than three 70-day supply limits of  
248 marijuana or more than six 35-day supply limits of marijuana in  
249 a form for smoking. The department shall quantify by rule a  
250 daily dose amount with equivalent dose amounts for each

251 allowable form of marijuana dispensed by a medical marijuana  
252 treatment center or a medical marijuana retail facility. The  
253 department shall use the daily dose amount to calculate a 70-day  
254 supply.

255 1. A qualified physician may request an exception to the  
256 daily dose amount limit, the 35-day supply limit of marijuana in  
257 a form for smoking, and the 4-ounce possession limit of  
258 marijuana in a form for smoking established in paragraph (15) (a)  
259 ~~(14) (a)~~. The request shall be made electronically on a form  
260 adopted by the department in rule and must include, at a  
261 minimum:

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

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

265 c. A description of how the patient will benefit from an  
266 increased amount.

267 d. The minimum daily dose amount of marijuana that would  
268 be sufficient for the treatment of the qualified patient's  
269 qualifying medical condition.

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

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

276 (5) MEDICAL MARIJUANA USE REGISTRY.—

277 (a) The department shall create and maintain a secure,  
278 electronic, and online medical marijuana use registry for  
279 physicians, patients, and caregivers as provided under this  
280 section. The medical marijuana use registry must be accessible  
281 to law enforcement agencies, qualified physicians, ~~and~~ medical  
282 marijuana treatment centers, and medical marijuana retail  
283 facilities to verify the authorization of a qualified patient or  
284 a caregiver to possess marijuana or a marijuana delivery device  
285 and record the marijuana or marijuana delivery device dispensed.  
286 The medical marijuana use registry must also be accessible to  
287 practitioners licensed to prescribe prescription drugs to ensure  
288 proper care for patients before medications that may interact  
289 with the medical use of marijuana are prescribed. The medical  
290 marijuana use registry must prevent an active registration of a  
291 qualified patient by multiple physicians.

292 (f) The department may revoke the registration of a  
293 qualified patient or caregiver who cultivates marijuana or who  
294 acquires, possesses, or delivers marijuana from any person or  
295 entity other than a medical marijuana treatment center or a  
296 medical marijuana retail facility.

297 (6) CAREGIVERS.—

298 (b) A caregiver must:

299 1. Not be a qualified physician and not be employed by or  
300 have an economic interest in a medical marijuana treatment

301 center, a medical marijuana retail facility, or a marijuana  
302 testing laboratory.

303 2. Be 21 years of age or older and a resident of this  
304 state.

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

307 4. Be registered in the medical marijuana use registry as  
308 a caregiver for no more than one qualified patient, except as  
309 provided in this paragraph.

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

314 6. Pass a background screening pursuant to subsection (10)  
315 ~~subsection (9)~~, unless the patient is a close relative of the  
316 caregiver.

317 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

318 (a) The department shall license medical marijuana  
319 treatment centers to ensure reasonable statewide accessibility  
320 and availability as necessary for qualified patients registered  
321 in the medical marijuana use registry and who are issued a  
322 physician certification under this section.

323 1. As soon as practicable, but no later than July 3, 2017,  
324 the department shall license as a medical marijuana treatment  
325 center any entity that holds an active, unrestricted license to

326 cultivate, process, transport, and dispense low-THC cannabis,  
327 medical cannabis, and cannabis delivery devices, under former s.  
328 381.986, Florida Statutes 2016, before July 1, 2017, and which  
329 meets the requirements of this section. In addition to the  
330 authority granted under this section, these entities are  
331 authorized to dispense low-THC cannabis, medical cannabis, and  
332 cannabis delivery devices ordered pursuant to former s. 381.986,  
333 Florida Statutes 2016, which were entered into the compassionate  
334 use registry before July 1, 2017, and are authorized to begin  
335 dispensing marijuana under this section on July 3, 2017. The  
336 department may grant variances from the representations made in  
337 such an entity's original application for approval under former  
338 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

342 a. As soon as practicable, but no later than August 1,  
343 2017, the department shall license any applicant whose  
344 application was reviewed, evaluated, and scored by the  
345 department and which was denied a dispensing organization  
346 license by the department under former s. 381.986, Florida  
347 Statutes 2014; which had one or more administrative or judicial  
348 challenges pending as of January 1, 2017, or had a final ranking  
349 within one point of the highest final ranking in its region  
350 under former s. 381.986, Florida Statutes 2014; which meets the

351 requirements of this section; and which provides documentation  
352 to the department that it has the existing infrastructure and  
353 technical and technological ability to begin cultivating  
354 marijuana within 30 days after registration as a medical  
355 marijuana treatment center.

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

362 c. As soon as practicable, but no later than October 3,  
363 2017, the department shall license applicants that meet the  
364 requirements of this section in sufficient numbers to result in  
365 10 total licenses issued under this subparagraph, while  
366 accounting for the number of licenses issued under sub-  
367 subparagraphs a. and b.

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

375 4. Within 6 months after the registration of 100,000

376 active qualified patients in the medical marijuana use registry,  
377 the department shall license four additional medical marijuana  
378 treatment centers that meet the requirements of this section.  
379 Thereafter, the department shall license four medical marijuana  
380 treatment centers within 6 months after the registration of each  
381 additional 100,000 active qualified patients in the medical  
382 marijuana use registry that meet the requirements of this  
383 section.

384 5. Dispensing facilities are subject to the following  
385 requirements:

386 a. A medical marijuana treatment center may not establish  
387 or operate more than a statewide maximum of 25 dispensing  
388 facilities, unless the medical marijuana use registry reaches a  
389 total of 100,000 active registered qualified patients. When the  
390 medical marijuana use registry reaches 100,000 active registered  
391 qualified patients, and then upon each further instance of the  
392 total active registered qualified patients increasing by  
393 100,000, the statewide maximum number of dispensing facilities  
394 that each licensed medical marijuana treatment center may  
395 establish and operate increases by five.

396 b. A medical marijuana treatment center may not establish  
397 more than the maximum number of dispensing facilities allowed in  
398 each of the Northwest, Northeast, Central, Southwest, and  
399 Southeast Regions. The department shall determine a medical  
400 marijuana treatment center's maximum number of dispensing



401 facilities allowed in each region by calculating the percentage  
402 of the total statewide population contained within that region  
403 and multiplying that percentage by the medical marijuana  
404 treatment center's statewide maximum number of dispensing  
405 facilities established under sub-subparagraph a., rounded to the  
406 nearest whole number. The department shall ensure that such  
407 rounding does not cause a medical marijuana treatment center's  
408 total number of statewide dispensing facilities to exceed its  
409 statewide maximum. The department shall initially calculate the  
410 maximum number of dispensing facilities allowed in each region  
411 for each medical marijuana treatment center using county  
412 population estimates from the Florida Estimates of Population  
413 2016, as published by the Office of Economic and Demographic  
414 Research, and shall perform recalculations following the  
415 official release of county population data resulting from each  
416 United States Decennial Census. For the purposes of this  
417 subparagraph:

418 (I) The Northwest Region consists of Bay, Calhoun,  
419 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,  
420 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
421 Walton, and Washington Counties.

422 (II) The Northeast Region consists of Alachua, Baker,  
423 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,  
424 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,  
425 Suwannee, and Union Counties.

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

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

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

435 c. If a medical marijuana treatment center establishes a  
436 number of dispensing facilities within a region that is less  
437 than the number allowed for that region under sub-subparagraph  
438 b., the medical marijuana treatment center may sell one or more  
439 of its unused dispensing facility slots to other licensed  
440 medical marijuana treatment centers. For each dispensing  
441 facility slot that a medical marijuana treatment center sells,  
442 that medical marijuana treatment center's statewide maximum  
443 number of dispensing facilities, as determined under sub-  
444 subparagraph a., is reduced by one. The statewide maximum number  
445 of dispensing facilities for a medical marijuana treatment  
446 center that purchases an unused dispensing facility slot is  
447 increased by one per slot purchased. Additionally, the sale of a  
448 dispensing facility slot shall reduce the seller's regional  
449 maximum and increase the purchaser's regional maximum number of  
450 dispensing facilities, as determined in sub-subparagraph b., by

451 one for that region. For any slot purchased under this sub-  
452 subparagraph, the regional restriction applied to that slot's  
453 location under sub-subparagraph b. before the purchase shall  
454 remain in effect following the purchase. A medical marijuana  
455 treatment center that sells or purchases a dispensing facility  
456 slot must notify the department within 3 days of sale.

457 d. A medical marijuana retail facility is not subject to  
458 the dispensing facility requirements of this subparagraph.

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

460

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

466 (b) An applicant for licensure as a medical marijuana  
467 treatment center shall apply to the department on a form  
468 prescribed by the department and adopted in rule. The department  
469 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
470 establishing a procedure for the issuance and biennial renewal  
471 of licenses, including initial application and biennial renewal  
472 fees sufficient to cover the costs of implementing and  
473 administering this section, and establishing supplemental  
474 licensure fees for payment beginning May 1, 2018, sufficient to  
475 cover the costs of administering ss. 381.989 and 1004.4351. The

476 department shall identify applicants with strong diversity plans  
477 reflecting this state's commitment to diversity and implement  
478 training programs and other educational programs to enable  
479 minority persons and minority business enterprises, as defined  
480 in s. 288.703, and veteran business enterprises, as defined in  
481 s. 295.187, to compete for medical marijuana treatment center  
482 licensure and contracts. Subject to the requirements in  
483 subparagraphs (a)2.-4., the department shall issue a license to  
484 an applicant if the applicant meets the requirements of this  
485 section and pays the initial application fee. The department  
486 shall renew the licensure of a medical marijuana treatment  
487 center biennially if the licensee meets the requirements of this  
488 section and pays the biennial renewal fee. An individual may not  
489 be an applicant, owner, officer, board member, or manager on  
490 more than one application for licensure as a medical marijuana  
491 treatment center. An individual or entity may not be awarded  
492 more than one license as a medical marijuana treatment center.  
493 An applicant for licensure as a medical marijuana treatment  
494 center must demonstrate:

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

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

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

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

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

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

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

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

524           b. In lieu of the performance bond required under sub-  
525 subparagraph a., the applicant may provide an irrevocable letter

526 of credit payable to the department or provide cash to the  
527 department. If provided with cash under this sub-subparagraph,  
528 the department shall deposit the cash in the Grants and  
529 Donations Trust Fund within the Department of Health, subject to  
530 the same conditions as the bond regarding requirements for the  
531 applicant to forfeit ownership of the funds. If the funds  
532 deposited under this sub-subparagraph generate interest, the  
533 amount of that interest shall be used by the department for the  
534 administration of this section.

535 8. That all owners, officers, board members, and managers  
536 have passed a background screening pursuant to subsection (10)  
537 ~~subsection (9)~~.

538 9. The employment of a medical director to supervise the  
539 activities of the medical marijuana treatment center.

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

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

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

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

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

559 (d) The department shall establish, maintain, and control  
560 a computer software tracking system that traces marijuana from  
561 seed to sale and allows real-time, 24-hour access by the  
562 department to data from all medical marijuana treatment centers,  
563 medical marijuana retail facilities, and marijuana testing  
564 laboratories. The tracking system must allow for integration of  
565 other seed-to-sale systems and, at a minimum, include  
566 notification of when marijuana seeds are planted, when marijuana  
567 plants are harvested and destroyed, and when marijuana is  
568 transported, sold, stolen, diverted, or lost. Each medical  
569 marijuana treatment center and each medical marijuana retail  
570 facility shall use the seed-to-sale tracking system established  
571 by the department or integrate its own seed-to-sale tracking  
572 system with the seed-to-sale tracking system established by the  
573 department. Each medical marijuana treatment center and each  
574 medical marijuana retail facility may use its own seed-to-sale  
575 system until the department establishes a seed-to-sale tracking

576 system. The department may contract with a vendor to establish  
577 the seed-to-sale tracking system. The vendor selected by the  
578 department may not have a contractual relationship with the  
579 department to perform any services pursuant to this section  
580 other than the seed-to-sale tracking system. The vendor may not  
581 have a direct or indirect financial interest in a medical  
582 marijuana treatment center, a medical marijuana retail facility,  
583 or a marijuana testing laboratory.

584 (e) A licensed medical marijuana treatment center may  
585 ~~shall~~ cultivate, process, transport, and dispense marijuana for  
586 medical use. A licensed medical marijuana treatment center may  
587 not contract for services directly related to the cultivation  
588 and, ~~processing, and dispensing~~ of marijuana or marijuana  
589 delivery devices. ~~except that~~ A medical marijuana treatment  
590 center licensed pursuant to subparagraph (a)1. may contract with  
591 no more than 10 licensed medical marijuana retail facilities to  
592 dispense a single entity for the cultivation, processing,  
593 ~~transporting, and dispensing of marijuana,~~ and marijuana  
594 delivery devices, and edibles pursuant to subsection (9). A  
595 licensed medical marijuana treatment center must, at all times,  
596 maintain compliance with the criteria demonstrated and  
597 representations made in the initial application and the criteria  
598 established in this subsection. Upon request, the department may  
599 grant a medical marijuana treatment center a variance from the  
600 representations made in the initial application. Consideration



601 of such a request shall be based upon the individual facts and  
602 circumstances surrounding the request. A variance may not be  
603 granted unless the requesting medical marijuana treatment center  
604 can demonstrate to the department that it has a proposed  
605 alternative to the specific representation made in its  
606 application which fulfills the same or a similar purpose as the  
607 specific representation in a way that the department can  
608 reasonably determine will not be a lower standard than the  
609 specific representation in the application. A variance may not  
610 be granted from the requirements in subparagraph 2. and  
611 subparagraphs (b)1. and 2.

612 1. A licensed medical marijuana treatment center may  
613 transfer ownership to an individual or entity who meets the  
614 requirements of this section. A publicly traded corporation or  
615 publicly traded company that meets the requirements of this  
616 section is not precluded from ownership of a medical marijuana  
617 treatment center. To accommodate a change in ownership:

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

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

625 c. Upon receipt of an application for a license, the

626 department shall examine the application and, within 30 days  
627 after receipt, notify the applicant in writing of any apparent  
628 errors or omissions and request any additional information  
629 required.

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

635  
636 Within 30 days after the receipt of a complete application, the  
637 department shall approve or deny the application.

638 2. A medical marijuana treatment center, and any  
639 individual or entity who directly or indirectly owns, controls,  
640 or holds with power to vote 5 percent or more of the voting  
641 shares of a medical marijuana treatment center, may not acquire  
642 direct or indirect ownership or control of any voting shares or  
643 other form of ownership of any other medical marijuana treatment  
644 center. A medical marijuana treatment center may not directly or  
645 indirectly own or operate a medical marijuana retail facility.

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

651           4. All employees of a medical marijuana treatment center  
652 must be 21 years of age or older and have passed a background  
653 screening pursuant to subsection (10) ~~subsection (9)~~.

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

658           6. When growing marijuana, a medical marijuana treatment  
659 center:

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

665           b. Must grow marijuana within an enclosed structure and in  
666 a room separate from any other plant.

667           c. Must inspect seeds and growing plants for plant pests  
668 that endanger or threaten the horticultural and agricultural  
669 interests of the state in accordance with chapter 581 and any  
670 rules adopted thereunder.

671           d. Must perform fumigation or treatment of plants, or  
672 remove and destroy infested or infected plants, in accordance  
673 with chapter 581 and any rules adopted thereunder.

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

676 product.

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

698       9. Within 12 months after licensure, a medical marijuana  
699 treatment center must demonstrate to the department that all of  
700 its processing facilities have passed a Food Safety Good

701 Manufacturing Practices, such as Global Food Safety Initiative  
702 or equivalent, inspection by a nationally accredited certifying  
703 body. A medical marijuana treatment center must immediately stop  
704 processing at any facility which fails to pass this inspection  
705 until it demonstrates to the department that such facility has  
706 met this requirement.

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

710 11. When processing marijuana, a medical marijuana  
711 treatment center must:

712 a. Process the marijuana within an enclosed structure and  
713 in a room separate from other plants or products.

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

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

726 department in developing such rules.

727 d. Test the processed marijuana using a medical marijuana  
728 testing laboratory before it is dispensed. Results must be  
729 verified and signed by two medical marijuana treatment center  
730 employees. Before dispensing, the medical marijuana treatment  
731 center must determine that the test results indicate that low-  
732 THC cannabis meets the definition of low-THC cannabis, the  
733 concentration of tetrahydrocannabinol meets the potency  
734 requirements of this section, the labeling of the concentration  
735 of tetrahydrocannabinol and cannabidiol is accurate, and all  
736 marijuana is safe for human consumption and free from  
737 contaminants that are unsafe for human consumption. The  
738 department shall determine by rule which contaminants must be  
739 tested for and the maximum levels of each contaminant which are  
740 safe for human consumption. The Department of Agriculture and  
741 Consumer Services shall assist the department in developing the  
742 testing requirements for contaminants that are unsafe for human  
743 consumption in edibles. The department shall also determine by  
744 rule the procedures for the treatment of marijuana that fails to  
745 meet the testing requirements of this section, s. 381.988, or  
746 department rule. The department may select a random sample from  
747 edibles available for purchase in a dispensing facility which  
748 shall be tested by the department to determine that the edible  
749 meets the potency requirements of this section, is safe for  
750 human consumption, and the labeling of the tetrahydrocannabinol

751 and cannabidiol concentration is accurate. A medical marijuana  
752 treatment center may not require payment from the department for  
753 the sample. A medical marijuana treatment center must recall  
754 edibles, including all edibles made from the same batch of  
755 marijuana, which fail to meet the potency requirements of this  
756 section, which are unsafe for human consumption, or for which  
757 the labeling of the tetrahydrocannabinol and cannabidiol  
758 concentration is inaccurate. The medical marijuana treatment  
759 center must retain records of all testing and samples of each  
760 homogenous batch of marijuana for at least 9 months. The medical  
761 marijuana treatment center must contract with a marijuana  
762 testing laboratory to perform audits on the medical marijuana  
763 treatment center's standard operating procedures, testing  
764 records, and samples and provide the results to the department  
765 to confirm that the marijuana or low-THC cannabis meets the  
766 requirements of this section and that the marijuana or low-THC  
767 cannabis is safe for human consumption. A medical marijuana  
768 treatment center shall reserve two processed samples from each  
769 batch and retain such samples for at least 9 months for the  
770 purpose of such audits. A medical marijuana treatment center may  
771 use a laboratory that has not been certified by the department  
772 under s. 381.988 until such time as at least one laboratory  
773 holds the required certification, but in no event later than  
774 July 1, 2018.

775 e. Package the marijuana in compliance with the United

776 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
 777 1471 et seq.

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

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

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

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

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

788 (V) The name of the patient.

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

793 (VII) The recommended dose.

794 (VIII) A warning that it is illegal to transfer medical  
 795 marijuana to another person.

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

798 12. The medical marijuana treatment center shall include  
 799 in each package a patient package insert with information on the  
 800 specific product dispensed related to:



- 801 a. Clinical pharmacology.
  - 802 b. Indications and use.
  - 803 c. Dosage and administration.
  - 804 d. Dosage forms and strengths.
  - 805 e. Contraindications.
  - 806 f. Warnings and precautions.
  - 807 g. Adverse reactions.
- 808 13. In addition to the packaging and labeling requirements
- 809 specified in subparagraphs 11. and 12., marijuana in a form for
- 810 smoking must be packaged in a sealed receptacle with a legible
- 811 and prominent warning to keep away from children and a warning
- 812 that states marijuana smoke contains carcinogens and may
- 813 negatively affect health. Such receptacles for marijuana in a
- 814 form for smoking must be plain, opaque, and white without
- 815 depictions of the product or images other than the medical
- 816 marijuana treatment center's department-approved logo and the
- 817 marijuana universal symbol.
- 818 14. The department shall adopt rules to regulate the
- 819 types, appearance, and labeling of marijuana delivery devices
- 820 dispensed from a medical marijuana treatment center. The rules
- 821 must require marijuana delivery devices to have an appearance
- 822 consistent with medical use.
- 823 15. Each edible shall be individually sealed in plain,
- 824 opaque wrapping marked only with the marijuana universal symbol.
- 825 Where practical, each edible shall be marked with the marijuana

826 universal symbol. In addition to the packaging and labeling  
827 requirements in subparagraphs 11. and 12., edible receptacles  
828 must be plain, opaque, and white without depictions of the  
829 product or images other than the medical marijuana treatment  
830 center's department-approved logo and the marijuana universal  
831 symbol. The receptacle must also include a list of all the  
832 edible's ingredients, storage instructions, an expiration date,  
833 a legible and prominent warning to keep away from children and  
834 pets, and a warning that the edible has not been produced or  
835 inspected pursuant to federal food safety laws.

836 16. When dispensing marijuana or a marijuana delivery  
837 device, a medical marijuana treatment center:

838 a. May dispense any active, valid order for low-THC  
839 cannabis, medical cannabis, and cannabis delivery devices issued  
840 pursuant to former s. 381.986, Florida Statutes 2016, which was  
841 entered into the medical marijuana use registry before July 1,  
842 2017.

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

850 c. Must have the medical marijuana treatment center's

851 employee who dispenses the marijuana or a marijuana delivery  
852 device enter into the medical marijuana use registry his or her  
853 name or unique employee identifier.

854 d. Must verify that the qualified patient and the  
855 caregiver, if applicable, each have an active registration in  
856 the medical marijuana use registry and an active and valid  
857 medical marijuana use registry identification card, the amount  
858 and type of marijuana dispensed matches the physician  
859 certification in the medical marijuana use registry for that  
860 qualified patient, and the physician certification has not  
861 already been filled.

862 e. May not dispense marijuana to a qualified patient who  
863 is younger than 18 years of age. If the qualified patient is  
864 younger than 18 years of age, marijuana may ~~only~~ be dispensed  
865 only to the qualified patient's caregiver.

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

871 g. Must, upon dispensing the marijuana or marijuana  
872 delivery device, record in the registry the date, time,  
873 quantity, and form of marijuana dispensed; the type of marijuana  
874 delivery device dispensed; and the name and medical marijuana  
875 use registry identification number of the qualified patient or

876 caregiver to whom the marijuana delivery device was dispensed.

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

880 (f) To ensure the safety and security of premises where  
 881 the cultivation, processing, storing, or dispensing of marijuana  
 882 occurs, and to maintain adequate controls against the diversion,  
 883 theft, and loss of marijuana or marijuana delivery devices, a  
 884 medical marijuana treatment center shall:

885 1.a. Maintain a fully operational security alarm system  
 886 that secures all entry points and perimeter windows and is  
 887 equipped with motion detectors; pressure switches; and duress,  
 888 panic, and hold-up alarms; and

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

891 (I) Cameras are fixed in a place that allows for the clear  
 892 identification of persons and activities in controlled areas of  
 893 the premises. Controlled areas include grow rooms, processing  
 894 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
 895 rooms.

896 (II) Cameras are fixed in entrances and exits to the  
 897 premises, which shall record from both indoor and outdoor, or  
 898 ingress and egress, vantage points.

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

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

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

906 3. Ensure that the indoor premises where dispensing occurs  
907 includes a waiting area with sufficient space and seating to  
908 accommodate qualified patients and caregivers and at least one  
909 private consultation area that is isolated from the waiting area  
910 and area where dispensing occurs. A medical marijuana treatment  
911 center may not display products or dispense marijuana or  
912 marijuana delivery devices in the waiting area.

913 4. Not dispense from its premises marijuana or a marijuana  
914 delivery device between the hours of 9 p.m. and 7 a.m., but may  
915 perform all other operations and deliver marijuana to qualified  
916 patients 24 hours a day.

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

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

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

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

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

927           10. Report to local law enforcement within 24 hours after

928 the medical marijuana treatment center is notified or becomes

929 aware of the theft, diversion, or loss of marijuana.

930           (g) To ensure the safe transport of marijuana and

931 marijuana delivery devices to medical marijuana treatment

932 centers, marijuana testing laboratories, or qualified patients,

933 a medical marijuana treatment center must:

934           1. Maintain a marijuana transportation manifest in any

935 vehicle transporting marijuana. The marijuana transportation

936 manifest must be generated from a medical marijuana treatment

937 center's seed-to-sale tracking system and include the:

938           a. Departure date and approximate time of departure.

939           b. Name, location address, and license number of the

940 originating medical marijuana treatment center.

941           c. Name and address of the recipient of the delivery.

942           d. Quantity and form of any marijuana or marijuana

943 delivery device being transported.

944           e. Arrival date and estimated time of arrival.

945           f. Delivery vehicle make and model and license plate

946 number.

947           g. Name and signature of the medical marijuana treatment

948 center employees delivering the product.

949           (I) A copy of the marijuana transportation manifest must

950 be provided to each individual, medical marijuana treatment

951 center, or marijuana testing laboratory that receives a  
952 delivery. The individual, or a representative of the center or  
953 laboratory, must sign a copy of the marijuana transportation  
954 manifest acknowledging receipt.

955 (II) An individual transporting marijuana or a marijuana  
956 delivery device must present a copy of the relevant marijuana  
957 transportation manifest and his or her employee identification  
958 card to a law enforcement officer upon request.

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

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

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

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

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

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

976 (h) A medical marijuana treatment center may not engage in  
977 advertising that is visible to members of the public from any  
978 street, sidewalk, park, or other public place, except:

979 1. The dispensing location of a medical marijuana  
980 treatment center may have a sign that is affixed to the outside  
981 or hanging in the window of the premises which identifies the  
982 dispensary by the licensee's business name, a department-  
983 approved trade name, or a department-approved logo. A medical  
984 marijuana treatment center's trade name and logo may not contain  
985 wording or images commonly associated with marketing targeted  
986 toward children or which promote recreational use of marijuana.

987 2. A medical marijuana treatment center may engage in  
988 Internet advertising and marketing under the following  
989 conditions:

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

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

994 c. An advertisement may not be an unsolicited pop-up  
995 advertisement.

996 d. Opt-in marketing must include an easy and permanent  
997 opt-out feature.

998 (i) Each medical marijuana treatment center that dispenses  
999 marijuana and marijuana delivery devices shall make available to  
1000 the public on its website:



1001 1. Each marijuana and low-THC product available for  
1002 purchase, including the form, strain of marijuana from which it  
1003 was extracted, cannabidiol content, tetrahydrocannabinol  
1004 content, dose unit, total number of doses available, and the  
1005 ratio of cannabidiol to tetrahydrocannabinol for each product.

1006 2. The price for a 30-day, 50-day, and 70-day supply at a  
1007 standard dose for each marijuana and low-THC product available  
1008 for purchase.

1009 3. The price for each marijuana delivery device available  
1010 for purchase.

1011 4. If applicable, any discount policies and eligibility  
1012 criteria for such discounts.

1013 ~~(j) Medical marijuana treatment centers are the sole~~  
1014 ~~source from which~~ A qualified patient may legally obtain  
1015 marijuana only from a medical marijuana treatment center or a  
1016 medical marijuana retail facility.

1017 (k) The department may adopt rules pursuant to ss.  
1018 120.536(1) and 120.54 to implement this subsection.

1019 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department  
1020 shall license medical marijuana retail facilities to ensure  
1021 reasonable statewide accessibility and availability as necessary  
1022 for qualified patients who are registered in the medical  
1023 marijuana use registry and who are issued a physician  
1024 certification under this section. The department shall begin  
1025 issuing medical marijuana retail facility licenses by August 1,

1026 2020.

1027 (a) An applicant for licensure as a medical marijuana

1028 retail facility shall apply to the department on a form

1029 prescribed by the department and adopted in rule. The department

1030 shall adopt rules pursuant to ss. 120.536(1) and 120.54

1031 establishing a procedure for the issuance and biennial renewal

1032 of licenses. The department shall identify applicants with

1033 strong diversity plans reflecting this state's commitment to

1034 diversity and it shall implement training programs and other

1035 educational programs to enable minority persons and minority

1036 business enterprises, as defined in s. 288.703, and veteran

1037 business enterprises, as defined in s. 295.187, to qualify for

1038 medical marijuana retail facility licensure and contracts. The

1039 department shall issue a license to an applicant if the

1040 applicant meets the requirements of this subsection and rules

1041 adopted under this subsection. The department shall renew the

1042 licensure of a medical marijuana retail facility biennially if

1043 the licensee meets the requirements of this subsection and rules

1044 adopted under this subsection. An individual may not be an

1045 applicant, owner, officer, board member, or manager on more than

1046 one application for licensure as a medical marijuana retail

1047 facility. An individual or entity may not be awarded more than

1048 one license as a medical marijuana retail facility. Each medical

1049 marijuana retail facility license is valid for one physical

1050 location. A medical marijuana treatment center may not be

1051 awarded a license to operate a medical marijuana retail  
1052 facility.

1053 (b) An applicant for licensure as a medical marijuana  
1054 retail facility must demonstrate:

1055 1. The ability to secure the premises, resources, and  
1056 personnel necessary to operate as a medical marijuana retail  
1057 facility.

1058 2. The ability to maintain accountability for all raw  
1059 materials, all finished products, and any byproducts to prevent  
1060 diversion or unlawful access to or possession of these  
1061 substances.

1062 3. An infrastructure reasonably located to dispense  
1063 marijuana to registered qualified patients statewide or  
1064 regionally, as determined by the department.

1065 4. The financial ability to maintain operations for the  
1066 duration of the 2-year approval cycle, including the provision  
1067 of certified financial statements to the department.

1068 5. That all owners, officers, board members, and managers  
1069 have passed a background screening pursuant to subsection (10).

1070 6. The employment of a medical director to supervise the  
1071 activities of the medical marijuana retail facility.

1072 7. A diversity plan that promotes and ensures the  
1073 involvement of minority persons and minority business  
1074 enterprises, as defined in s. 288.703, or veteran business  
1075 enterprises, as defined in s. 295.187, in ownership, management,

1076 and employment. An applicant for licensure renewal must show the  
1077 effectiveness of the diversity plan by including the following  
1078 with his or her application for renewal:

1079 a. Representation of minority persons and veterans in the  
1080 medical marijuana retail facility's workforce;

1081 b. Efforts to recruit minority persons and veterans for  
1082 employment; and

1083 c. A record of contracts for services with minority  
1084 business enterprises and veteran business enterprises.

1085 8. Proof of liability insurance coverage of at least  
1086 \$250,000 for each facility that dispenses or stores marijuana or  
1087 medical marijuana delivery devices.

1088 (c) A medical marijuana retail facility may not make a  
1089 wholesale purchase of marijuana from a medical marijuana  
1090 treatment center.

1091 (d) A medical marijuana retail facility may not transport  
1092 marijuana, marijuana delivery devices, or edibles.

1093 (e) A medical marijuana retail facility may contract with  
1094 only one medical marijuana treatment center to dispense  
1095 marijuana, marijuana delivery devices, or edibles to a qualified  
1096 patient or caregiver.

1097 (f)1. A medical marijuana retail facility may transfer  
1098 ownership to an individual or entity that meets the requirements  
1099 of this section. A publicly traded corporation or publicly  
1100 traded company that meets the requirements of this section is

1101 not precluded from ownership of a medical marijuana retail  
1102 facility. To accommodate a change in ownership:

1103 a. The medical marijuana retail facility shall notify the  
1104 department in writing at least 60 days before the anticipated  
1105 date of the change of ownership.

1106 b. The individual or entity applying for initial licensure  
1107 due to a change of ownership must submit an application that  
1108 must be received by the department at least 60 days before the  
1109 date of the change of ownership.

1110 c. Upon receipt of an application for a license, the  
1111 department shall examine the application and, within 30 days  
1112 after receipt, notify the applicant in writing of any apparent  
1113 errors or omissions and request any additional information  
1114 required.

1115 d. Requested information omitted from an application for  
1116 licensure must be filed with the department within 21 days after  
1117 the department's request for omitted information or the  
1118 application shall be deemed incomplete and must be withdrawn  
1119 from further consideration, and any fees shall be forfeited.

1120  
1121 Within 30 days after the receipt of a complete application, the  
1122 department shall approve or deny the application.

1123 2. A medical marijuana retail facility, and any individual  
1124 or entity that directly or indirectly owns, controls, or holds  
1125 with power to vote 5 percent or more of the voting shares of a

1126 medical marijuana retail facility, may not acquire direct or  
1127 indirect ownership or control of any voting shares or other form  
1128 of ownership of any other medical marijuana retail facility.

1129 3. A medical marijuana retail facility may not enter into  
1130 any form of profit-sharing arrangement with the property owner  
1131 or lessor of any of its facilities where storing or dispensing  
1132 of marijuana and marijuana delivery devices occurs.

1133 4. All employees of a medical marijuana retail facility  
1134 must be 21 years of age or older and have passed a background  
1135 screening pursuant to subsection (10).

1136 5. Each medical marijuana retail facility must adopt and  
1137 enforce policies and procedures to ensure employees and  
1138 volunteers receive training on the legal requirements to  
1139 dispense marijuana to qualified patients.

1140 6. Each medical marijuana retail facility must make  
1141 available for purchase at least one low-THC cannabis product.

1142 7. A medical marijuana retail facility may not repackage  
1143 or modify marijuana or a medical marijuana delivery device  
1144 packaged for retail sale by a contracted medical marijuana  
1145 treatment center.

1146 8. A medical marijuana retail facility may not process or  
1147 produce edibles, but it may dispense to a qualified patient or  
1148 caregiver edibles in the original packaging and with the  
1149 original labeling affixed as received from a contracted medical  
1150 marijuana treatment center. Onsite consumption of marijuana or

1151 edibles at a medical marijuana retail facility is prohibited.  
1152 The department may select a random sample from edibles available  
1153 for purchase in a medical marijuana retail facility to be tested  
1154 by the department to determine whether the edible meets the  
1155 potency requirements of subparagraph (8)(e)8. and is safe for  
1156 human consumption, and whether the labeling of the  
1157 tetrahydrocannabinol and cannabidiol concentration is accurate.  
1158 A medical marijuana retail facility may not require payment from  
1159 the department for the sample. A medical marijuana retail  
1160 facility must recall edibles, including all edibles made from  
1161 the same batch of marijuana, which fail to meet the potency  
1162 requirements, which are unsafe for human consumption, or for  
1163 which the labeling of the tetrahydrocannabinol and cannabidiol  
1164 concentration is inaccurate.

1165 9. When dispensing marijuana or a marijuana delivery  
1166 device, a medical marijuana retail facility:

1167 a. May dispense any active, valid order for low-THC  
1168 cannabis, medical cannabis, and cannabis delivery devices issued  
1169 pursuant to former s. 381.986, Florida Statutes 2016, which was  
1170 entered into the medical marijuana use registry before July 1,  
1171 2017.

1172 b. May not dispense more than a 70-day supply of marijuana  
1173 to a qualified patient or caregiver.

1174 c. Must require that its employee who dispenses the  
1175 marijuana or a marijuana delivery device enter into the medical

1176 marijuana use registry his or her name or unique employee  
1177 identifier.

1178 d. Must verify that the qualified patient and the  
1179 caregiver, if applicable, each have an active registration in  
1180 the medical marijuana use registry and an active and valid  
1181 medical marijuana use registry identification card, that the  
1182 amount and type of marijuana dispensed matches the physician  
1183 certification in the medical marijuana use registry for that  
1184 qualified patient, and that the physician certification has not  
1185 already been filled.

1186 e. May not dispense marijuana to a qualified patient who  
1187 is younger than 18 years of age. If the qualified patient is  
1188 younger than 18 years of age, marijuana may be dispensed only to  
1189 the qualified patient's caregiver.

1190 f. May not dispense or sell any other type of cannabis,  
1191 alcohol, or illicit drug-related product, including pipes,  
1192 bongs, or rolling papers, other than a marijuana delivery device  
1193 required for the medical use of marijuana which is specified in  
1194 a physician certification.

1195 g. Must, upon dispensing the marijuana or marijuana  
1196 delivery device, record in the registry the date, time,  
1197 quantity, and form of marijuana dispensed; the type of marijuana  
1198 delivery device dispensed; and the name and medical marijuana  
1199 use registry identification number of the qualified patient or  
1200 caregiver to whom the marijuana or marijuana delivery device was



1201 dispensed.

1202 h. Must ensure that patient records are not visible to  
1203 anyone other than the qualified patient, his or her caregiver,  
1204 and authorized medical marijuana retail facility employees.

1205 (g) To ensure the safety and security of premises where  
1206 the storing or dispensing of marijuana occurs, and to maintain  
1207 adequate controls against the diversion, theft, and loss of  
1208 marijuana or marijuana delivery devices, a medical marijuana  
1209 retail facility shall:

1210 1.a. Maintain a fully operational security alarm system  
1211 that secures all entry points and perimeter windows and is  
1212 equipped with motion detectors; pressure switches; and duress,  
1213 panic, and hold-up alarms; and

1214 b. Maintain a video surveillance system that records  
1215 continuously, 24 hours a day, and meets the following criteria:

1216 (I) Cameras are fixed in a place that allows for the clear  
1217 identification of persons and activities in controlled areas of  
1218 the premises. Controlled areas include grow rooms, processing  
1219 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
1220 rooms.

1221 (II) Cameras are fixed in entrances and exits to the  
1222 premises and record from indoor and outdoor, or ingress and  
1223 egress, vantage points.

1224 (III) Recorded images clearly and accurately display the  
1225 time and date.

1226 (IV) Video surveillance recordings are retained for at  
1227 least 45 days, or longer upon the request of a law enforcement  
1228 agency.

1229 2. Ensure that the outdoor premises have sufficient  
1230 lighting from dusk until dawn.

1231 3. Ensure that the indoor premises where dispensing occurs  
1232 include a waiting area with sufficient space and seating to  
1233 accommodate qualified patients and caregivers and at least one  
1234 private consultation area that is isolated from the waiting area  
1235 and the area where dispensing occurs. A medical marijuana retail  
1236 facility may not display products or dispense marijuana or  
1237 marijuana delivery devices in the waiting area.

1238 4. Not dispense from its premises marijuana or a marijuana  
1239 delivery device between the hours of 9 p.m. and 7 a.m. but may  
1240 perform all other operations and deliver marijuana to qualified  
1241 patients 24 hours a day.

1242 5. Store marijuana in a secured, locked room or a vault.

1243 6. Require at least two of its employees, or two employees  
1244 of a security agency with whom it contracts, to be on the  
1245 premises at all times where cultivation, processing, or storing  
1246 of marijuana occurs.

1247 7. Require each employee or contractor to wear a photo  
1248 identification badge at all times while on the premises.

1249 8. Require each visitor to wear a visitor pass at all  
1250 times while on the premises.

1251 9. Implement an alcohol- and drug-free workplace policy.

1252 10. Report to local law enforcement within 24 hours after  
1253 being notified or becoming aware of the theft, diversion, or  
1254 loss of marijuana.

1255 (h) A medical marijuana retail facility may not engage in  
1256 Internet sales.

1257 (i) A medical marijuana retail facility may not engage in  
1258 advertising that is visible to members of the public from any  
1259 street, sidewalk, park, or other public place, except:

1260 1. A medical marijuana retail facility may have a sign  
1261 that is affixed to the outside, or hanging in the window, of the  
1262 premises which identifies the facility by the licensee's  
1263 business name, a department-approved trade name, or a  
1264 department-approved logo. A medical marijuana retail facility's  
1265 trade name and logo may not contain wording or images commonly  
1266 associated with marketing targeted toward children or which  
1267 promote recreational use of marijuana.

1268 2. A medical marijuana retail facility may engage in  
1269 Internet advertising and marketing under the following  
1270 conditions:

1271 a. All advertisements must be approved by the department.

1272 b. An advertisement may not have any content that  
1273 specifically targets individuals under the age of 18, including  
1274 cartoon characters or similar images.

1275 c. An advertisement may not be an unsolicited pop-up

1276 advertisement.

1277 d. Opt-in marketing must include an easy and permanent

1278 opt-out feature.

1279 (j) Each medical marijuana retail facility that dispenses

1280 marijuana, marijuana delivery devices, or edibles shall make

1281 available to the public on its website:

1282 1. Information on each marijuana and low-THC cannabis

1283 product available for purchase, including the form, strain of

1284 marijuana from which it was extracted, cannabidiol content,

1285 tetrahydrocannabinol content, dose unit, and total number of

1286 doses available, and the ratio of cannabidiol to

1287 tetrahydrocannabinol for each such product.

1288 2. The price of a 30-day supply, 50-day supply, and-70 day

1289 supply at a standard dose for each marijuana and low-THC

1290 cannabis product available for purchase.

1291 3. The price for each marijuana delivery device available

1292 for purchase.

1293 4. If applicable, any discount policies and eligibility

1294 criteria for such discounts.

1295 (k) A qualified patient may legally obtain medical

1296 marijuana only from a medical marijuana treatment center or a

1297 medical marijuana retail facility.

1298 (l) The department may adopt rules pursuant to ss.

1299 120.536(1) and 120.54 to implement this subsection.

1300 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL

1301 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.—

1302 (a) The department shall conduct announced or unannounced  
 1303 inspections of medical marijuana treatment centers and medical  
 1304 marijuana retail facilities to determine compliance with this  
 1305 section or rules adopted pursuant to this section.

1306 (b) The department shall inspect a medical marijuana  
 1307 treatment center upon receiving a complaint or notice that the  
 1308 medical marijuana treatment center has dispensed marijuana  
 1309 containing mold, bacteria, or other contaminant that may cause  
 1310 or has caused an adverse effect to human health or the  
 1311 environment.

1312 (c) The department shall conduct at least a biennial  
 1313 inspection of each medical marijuana treatment center and each  
 1314 medical marijuana retail facility to evaluate the medical  
 1315 marijuana treatment center's or medical marijuana retail  
 1316 facility's records, personnel, equipment, processes, security  
 1317 measures, sanitation practices, and quality assurance practices.

1318 (d) The Department of Agriculture and Consumer Services  
 1319 and the department shall enter into an interagency agreement to  
 1320 ensure cooperation and coordination in the performance of their  
 1321 obligations under this section and their respective regulatory  
 1322 and authorizing laws. The department, the Department of Highway  
 1323 Safety and Motor Vehicles, and the Department of Law Enforcement  
 1324 may enter into interagency agreements for the purposes specified  
 1325 in this subsection or subsection (7).

1326 (e) The department shall publish a list of all approved  
 1327 medical marijuana treatment centers, medical directors, medical  
 1328 marijuana retail facilities, and qualified physicians on its  
 1329 website.

1330 (f) The department may impose reasonable fines not to  
 1331 exceed \$10,000 on a medical marijuana treatment center or a  
 1332 medical marijuana retail facility for any of the following  
 1333 violations:

- 1334 1. Violating this section or department rule.
- 1335 2. Failing to maintain qualifications for approval.
- 1336 3. Endangering the health, safety, or security of a  
 1337 qualified patient.
- 1338 4. Improperly disclosing personal and confidential  
 1339 information of the qualified patient.
- 1340 5. Attempting to procure medical marijuana treatment  
 1341 center or medical marijuana retail facility approval by bribery,  
 1342 fraudulent misrepresentation, or extortion.
- 1343 6. Being convicted or found guilty of, or entering a plea  
 1344 of guilty or nolo contendere to, regardless of adjudication, a  
 1345 crime in any jurisdiction which directly relates to the business  
 1346 of a medical marijuana treatment center or a medical marijuana  
 1347 retail facility.
- 1348 7. Making or filing a report or record that the medical  
 1349 marijuana treatment center or medical marijuana retail facility  
 1350 knows to be false.

1351 8. Willfully failing to maintain a record required by this  
1352 section or department rule.

1353 9. Willfully impeding or obstructing an employee or agent  
1354 of the department in the furtherance of his or her official  
1355 duties.

1356 10. Engaging in fraud or deceit, negligence, incompetence,  
1357 or misconduct in the business practices of a medical marijuana  
1358 treatment center or a medical marijuana retail facility.

1359 11. Making misleading, deceptive, or fraudulent  
1360 representations in or related to the business practices of a  
1361 medical marijuana treatment center or a medical marijuana retail  
1362 facility.

1363 12. Having a license or the authority to engage in any  
1364 regulated profession, occupation, or business that is related to  
1365 the business practices of a medical marijuana treatment center  
1366 or a medical marijuana retail facility suspended, revoked, or  
1367 otherwise acted against by the licensing authority of any  
1368 jurisdiction, including its agencies or subdivisions, for a  
1369 violation that would constitute a violation under Florida law.

1370 13. Violating a lawful order of the department or an  
1371 agency of the state, or failing to comply with a lawfully issued  
1372 subpoena of the department or an agency of the state.

1373 (g) The department may suspend, revoke, or refuse to renew  
1374 the license of a medical marijuana treatment center or a medical  
1375 marijuana retail facility ~~license~~ if the medical marijuana

1376 treatment center or medical marijuana retail facility commits  
 1377 any of the violations in paragraph (f).

1378 (h) The department may adopt rules pursuant to ss.  
 1379 120.536(1) and 120.54 to implement this subsection.

1380 ~~(12)-(11)~~ PREEMPTION.—Regulation of cultivation,  
 1381 processing, and delivery of marijuana by medical marijuana  
 1382 treatment centers is preempted to the state except as provided  
 1383 in this subsection.

1384 (a) A medical marijuana treatment center cultivating or  
 1385 processing facility may not be located within 500 feet of the  
 1386 real property that comprises a public or private elementary  
 1387 school, middle school, or secondary school.

1388 (b)1. A county or municipality may, by ordinance, ban  
 1389 medical marijuana treatment center dispensing facilities or  
 1390 medical marijuana retail facilities from being located within  
 1391 the boundaries of that county or municipality. A county or  
 1392 municipality that does not ban dispensing facilities or medical  
 1393 marijuana retail facilities under this subparagraph may not  
 1394 place specific limits, by ordinance, on the number of dispensing  
 1395 facilities or medical marijuana retail facilities that may  
 1396 locate within that county or municipality.

1397 2. A municipality may determine by ordinance the criteria  
 1398 for the location of, and other permitting requirements that do  
 1399 not conflict with state law or department rule for, medical  
 1400 marijuana treatment center dispensing facilities or medical



1401 marijuana retail facilities located within the boundaries of  
1402 that municipality. A county may determine by ordinance the  
1403 criteria for the location of, and other permitting requirements  
1404 that do not conflict with state law or department rule for, all  
1405 such dispensing facilities and medical marijuana retail  
1406 facilities located within the unincorporated areas of that  
1407 county. Except as provided in paragraph (c), a county or  
1408 municipality may not enact ordinances for permitting or for  
1409 determining the location of dispensing facilities and medical  
1410 marijuana retail facilities which are more restrictive than its  
1411 ordinances permitting or determining the locations for  
1412 pharmacies licensed under chapter 465. A municipality or county  
1413 may not charge a medical marijuana treatment center or a medical  
1414 marijuana retail facility a license or permit fee in an amount  
1415 greater than the fee charged by such municipality or county to  
1416 pharmacies. A dispensing facility location approved by a  
1417 municipality or county pursuant to former s. 381.986(8)(b),  
1418 Florida Statutes 2016, is not subject to the location  
1419 requirements of this subsection.

1420 (c) A medical marijuana treatment center dispensing  
1421 facility or a medical marijuana retail facility may not be  
1422 located within 500 feet of the real property that comprises a  
1423 public or private elementary school, middle school, or secondary  
1424 school unless the county or municipality approves the location  
1425 through a formal proceeding open to the public at which the

1426 county or municipality determines that the location promotes the  
1427 public health, safety, and general welfare of the community.

1428 (d) This subsection does not prohibit any local  
1429 jurisdiction from ensuring that medical marijuana treatment  
1430 center dispensing facilities and medical marijuana retail  
1431 facilities comply with the Florida Building Code, the Florida  
1432 Fire Prevention Code, or any local amendments to the Florida  
1433 Building Code or the Florida Fire Prevention Code.

1434 ~~(13)-(12)~~ PENALTIES.—

1435 (a) A qualified physician commits a misdemeanor of the  
1436 first degree, punishable as provided in s. 775.082 or s.  
1437 775.083, if the qualified physician issues a physician  
1438 certification for the medical use of marijuana for a patient  
1439 without a reasonable belief that the patient is suffering from a  
1440 qualifying medical condition.

1441 (b) A person who fraudulently represents that he or she  
1442 has a qualifying medical condition to a qualified physician for  
1443 the purpose of being issued a physician certification commits a  
1444 misdemeanor of the first degree, punishable as provided in s.  
1445 775.082 or s. 775.083.

1446 (c) A qualified patient who uses marijuana, not including  
1447 low-THC cannabis, or a caregiver who administers marijuana, not  
1448 including low-THC cannabis, in plain view of or in a place open  
1449 to the general public; in a school bus, a vehicle, an aircraft,  
1450 or a boat; or on the grounds of a school except as provided in

1451 s. 1006.062, commits a misdemeanor of the first degree,  
1452 punishable as provided in s. 775.082 or s. 775.083.

1453 (d) A qualified patient or caregiver who cultivates  
1454 marijuana or who purchases or acquires marijuana from any person  
1455 or entity other than a medical marijuana treatment center or a  
1456 medical marijuana retail facility violates s. 893.13 and is  
1457 subject to the penalties provided therein.

1458 (e)1. A qualified patient or caregiver in possession of  
1459 marijuana or a marijuana delivery device who fails or refuses to  
1460 present his or her marijuana use registry identification card  
1461 upon the request of a law enforcement officer commits a  
1462 misdemeanor of the second degree, punishable as provided in s.  
1463 775.082 or s. 775.083, unless it can be determined through the  
1464 medical marijuana use registry that the person is authorized to  
1465 be in possession of that marijuana or marijuana delivery device.

1466 2. A person charged with a violation of this paragraph may  
1467 not be convicted if, before or at the time of his or her court  
1468 or hearing appearance, the person produces in court or to the  
1469 clerk of the court in which the charge is pending a medical  
1470 marijuana use registry identification card issued to him or her  
1471 which is valid at the time of his or her arrest. The clerk of  
1472 the court is authorized to dismiss such case at any time before  
1473 the defendant's appearance in court. The clerk of the court may  
1474 assess a fee of \$5 for dismissing the case under this paragraph.

1475 (f) A caregiver who violates any of the applicable

1476 provisions of this section or applicable department rules, for  
 1477 the first offense, commits a misdemeanor of the second degree,  
 1478 punishable as provided in s. 775.082 or s. 775.083 and, for a  
 1479 second or subsequent offense, commits a misdemeanor of the first  
 1480 degree, punishable as provided in s. 775.082 or s. 775.083.

1481 (g) A qualified physician who issues a physician  
 1482 certification for marijuana or a marijuana delivery device and  
 1483 receives compensation from a medical marijuana treatment center  
 1484 related to the issuance of a physician certification for  
 1485 marijuana or a marijuana delivery device is subject to  
 1486 disciplinary action under the applicable practice act and s.  
 1487 456.072 (1) (n).

1488 (h) A person transporting marijuana or marijuana delivery  
 1489 devices on behalf of a medical marijuana treatment center or  
 1490 marijuana testing laboratory who fails or refuses to present a  
 1491 transportation manifest upon the request of a law enforcement  
 1492 officer commits a misdemeanor of the second degree, punishable  
 1493 as provided in s. 775.082 or s. 775.083.

1494 (i) Persons and entities conducting activities authorized  
 1495 and governed by this section and s. 381.988 are subject to ss.  
 1496 456.053, 456.054, and 817.505, as applicable.

1497 (j) A person or entity that cultivates, processes,  
 1498 distributes, sells, or dispenses marijuana, as defined in s.  
 1499 29(b) (4), Art. X of the State Constitution, and is not licensed  
 1500 as a medical marijuana treatment center or as a medical

1501 marijuana retail facility violates s. 893.13 and is subject to  
 1502 the penalties provided therein.

1503 (k) A person who manufactures, distributes, sells, gives,  
 1504 or possesses with the intent to manufacture, distribute, sell,  
 1505 or give marijuana or a marijuana delivery device that he or she  
 1506 holds out to have originated from a licensed medical marijuana  
 1507 treatment center but that is counterfeit commits a felony of the  
 1508 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1509 or s. 775.084. For the purposes of this paragraph, the term  
 1510 "counterfeit" means marijuana; a marijuana delivery device; or a  
 1511 marijuana or marijuana delivery device container, seal, or label  
 1512 which, without authorization, bears the trademark, trade name,  
 1513 or other identifying mark, imprint, or device, or any likeness  
 1514 thereof, of a licensed medical marijuana treatment center and  
 1515 which thereby falsely purports or is represented to be the  
 1516 product of, or to have been distributed by, that licensed  
 1517 medical marijuana treatment center ~~facility~~.

1518 (l) A person who distributes, sells, gives, or possesses  
 1519 with the intent to manufacture, distribute, sell, or give  
 1520 marijuana or a marijuana delivery device that he or she holds  
 1521 out to have been dispensed from a licensed medical marijuana  
 1522 retail facility but that is counterfeit commits a felony of the  
 1523 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1524 or s. 775.084. For the purposes of this paragraph, the term  
 1525 "counterfeit" means marijuana; a marijuana delivery device; or a

1526 marijuana or marijuana delivery device container, seal, or label  
1527 which, without authorization, bears the trademark, trade name,  
1528 or other identifying mark, imprint, or device, or any likeness  
1529 thereof, of a licensed medical marijuana retail facility and  
1530 which thereby falsely purports or is represented to be the  
1531 product of, or to have been distributed by, that licensed  
1532 medical marijuana retail facility.

1533 (m)~~(l)~~ Any person who possesses or manufactures a blank,  
1534 forged, stolen, fictitious, fraudulent, counterfeit, or  
1535 otherwise unlawfully issued medical marijuana use registry  
1536 identification card commits a felony of the third degree,  
1537 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1538 (15)~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1539 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1540 any other provision of law, but subject to the requirements of  
1541 this section, a qualified patient and the qualified patient's  
1542 caregiver may purchase from a medical marijuana treatment center  
1543 or a medical marijuana retail facility for the patient's medical  
1544 use a marijuana delivery device and up to the amount of  
1545 marijuana authorized in the physician certification, but may not  
1546 possess more than a 70-day supply of marijuana, or the greater  
1547 of 4 ounces of marijuana in a form for smoking or an amount of  
1548 marijuana in a form for smoking approved by the department  
1549 pursuant to paragraph (4) (f), at any given time and all  
1550 marijuana purchased must remain in its original packaging.

1551 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,  
1552 s. 893.147, or any other provision of law, a qualified patient  
1553 and the qualified patient's caregiver may purchase and possess a  
1554 marijuana delivery device intended for the medical use of  
1555 marijuana by smoking from a vendor other than a medical  
1556 marijuana treatment center.

1557 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1558 any other provision of law, but subject to the requirements of  
1559 this section, a licensed ~~an approved~~ medical marijuana treatment  
1560 center and its owners, managers, and employees may manufacture,  
1561 possess, sell, deliver, distribute, dispense, and lawfully  
1562 dispose of marijuana or a marijuana delivery device as provided  
1563 in this section, in s. 381.988, and by department rule. For the  
1564 purposes of this subsection, the terms "manufacture,"  
1565 "possession," "deliver," "distribute," and "dispense" have the  
1566 same meanings as provided in s. 893.02.

1567 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1568 any other provision of law, but subject to the requirements of  
1569 this section, a medical marijuana retail facility and its  
1570 owners, managers, and employees may possess, sell, distribute,  
1571 dispense, and lawfully dispose of marijuana or a marijuana  
1572 delivery device as provided in this section, in s. 381.988, and  
1573 by department rule. For the purposes of this subsection, the  
1574 terms "possession," "distribute," and "dispense" have the same  
1575 meanings as provided in s. 893.02.

1576        (e)~~(d)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1577 or any other provision of law, but subject to the requirements  
1578 of this section, a certified marijuana testing laboratory,  
1579 including an employee of a certified marijuana testing  
1580 laboratory acting within the scope of his or her employment, may  
1581 acquire, possess, test, transport, and lawfully dispose of  
1582 marijuana as provided in this section, in s. 381.988, and by  
1583 department rule.

1584        (f)~~(e)~~ A licensed medical marijuana treatment center and  
1585 its owners, managers, and employees are not subject to licensure  
1586 or regulation under chapter 465 or chapter 499 for  
1587 manufacturing, possessing, selling, delivering, distributing,  
1588 dispensing, or lawfully disposing of marijuana or a marijuana  
1589 delivery device, as provided in this section, in s. 381.988, and  
1590 by department rule.

1591        (g) A licensed medical marijuana retail facility and its  
1592 owners, managers, and employees are not subject to licensure or  
1593 regulation under chapter 465 or chapter 499 for possessing,  
1594 selling, distributing, dispensing, or lawfully disposing of  
1595 marijuana or a marijuana delivery device, as provided in this  
1596 section, in s. 381.988, and by department rule.

1597        (h)~~(f)~~ This subsection does not exempt a person from  
1598 prosecution for a criminal offense related to impairment or  
1599 intoxication resulting from the medical use of marijuana or  
1600 relieve a person from any requirement under law to submit to a



1601 breath, blood, urine, or other test to detect the presence of a  
1602 controlled substance.

1603 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1604 or any other provision of law, but subject to the requirements  
1605 of this section and pursuant to policies and procedures  
1606 established pursuant to s. 1006.62(8), school personnel may  
1607 possess marijuana that is obtained for medical use pursuant to  
1608 this section by a student who is a qualified patient.

1609 (j)~~(h)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1610 or any other provision of law, but subject to the requirements  
1611 of this section, a research institute established by a public  
1612 postsecondary educational institution, such as the H. Lee  
1613 Moffitt Cancer Center and Research Institute, Inc., established  
1614 under s. 1004.43, or a state university that has achieved the  
1615 preeminent state research university designation under s.  
1616 1001.7065 may possess, test, transport, and lawfully dispose of  
1617 marijuana for research purposes as provided by this section.

1618 Section 2. Section 381.987, Florida Statutes, is amended  
1619 to read:

1620 381.987 Public records exemption for personal identifying  
1621 information relating to medical marijuana held by the  
1622 department.—

1623 (1) The following information is confidential and exempt  
1624 from s. 119.07(1) and s. 24(a), Art. I of the State  
1625 Constitution:

1626 (a) A patient's or caregiver's personal identifying  
 1627 information held by the department in the medical marijuana use  
 1628 registry established under s. 381.986, including, but not  
 1629 limited to, the patient's or caregiver's name, address, date of  
 1630 birth, photograph, and telephone number.

1631 (b) All personal identifying information collected for the  
 1632 purpose of issuing a patient's or caregiver's medical marijuana  
 1633 use registry identification card described in s. 381.986.

1634 (c) All personal identifying information pertaining to the  
 1635 physician certification for marijuana and the dispensing thereof  
 1636 held by the department, including, but not limited to,  
 1637 information related to the patient's diagnosis, exception  
 1638 requests to the daily dose amount limit, and the qualified  
 1639 patient's experience related to the medical use of marijuana.

1640 (d) A qualified physician's Drug Enforcement  
 1641 Administration number, residential address, and government-  
 1642 issued identification card.

1643 (2) The department shall allow access to the confidential  
 1644 and exempt information in the medical marijuana use registry to:

1645 (a) A law enforcement agency that is investigating a  
 1646 violation of law regarding marijuana in which the subject of the  
 1647 investigation claims an exception established under s. 381.986,  
 1648 except for information related to the patient's diagnosis.

1649 (b) A medical marijuana treatment center or a medical  
 1650 marijuana retail facility that is licensed ~~approved~~ by the

1651 department pursuant to s. 381.986 which is attempting to verify  
1652 the authenticity of a physician certification for marijuana,  
1653 including whether the certification had been previously filled  
1654 and whether the certification was issued for the person  
1655 attempting to have it filled, except for information related to  
1656 the patient's diagnosis.

1657 (c) A physician who has issued a certification for  
1658 marijuana for the purpose of monitoring the patient's use of  
1659 such marijuana or for the purpose of determining, before issuing  
1660 a certification for marijuana, whether another physician has  
1661 issued a certification for the patient's use of marijuana. The  
1662 physician may access the confidential and exempt information  
1663 only for the patient for whom he or she has issued a  
1664 certification or is determining whether to issue a certification  
1665 for the use of marijuana pursuant to s. 381.986.

1666 (d) A practitioner licensed to prescribe prescription  
1667 medications to ensure proper care of a patient before  
1668 prescribing medication to that patient which may interact with  
1669 marijuana.

1670 (e) An employee of the department for the purposes of  
1671 maintaining the registry and periodic reporting or disclosure of  
1672 information that has been redacted to exclude personal  
1673 identifying information.

1674 (f) An employee of the department for the purposes of  
1675 reviewing physician registration and the issuance of physician

1676 | certifications to monitor practices that could facilitate  
1677 | unlawful diversion or the misuse of marijuana or a marijuana  
1678 | delivery device.

1679 |       (g) The department's relevant health care regulatory  
1680 | boards responsible for the licensure, regulation, or discipline  
1681 | of a physician if he or she is involved in a specific  
1682 | investigation of a violation of s. 381.986. If a health care  
1683 | regulatory board's investigation reveals potential criminal  
1684 | activity, the board may provide any relevant information to the  
1685 | appropriate law enforcement agency.

1686 |       (h) The Consortium for Medical Marijuana Clinical Outcomes  
1687 | Research established in s. 1004.4351(4).

1688 |       (i) A person engaged in bona fide research if the person  
1689 | agrees:

1690 |           1. To submit a research plan to the department which  
1691 | specifies the exact nature of the information requested and the  
1692 | intended use of the information;

1693 |           2. To maintain the confidentiality of the records or  
1694 | information if personal identifying information is made  
1695 | available to the researcher;

1696 |           3. To destroy any confidential and exempt records or  
1697 | information obtained after the research is concluded; and

1698 |           4. Not to contact, directly or indirectly, for any  
1699 | purpose, a patient or physician whose information is in the  
1700 | registry.

1701 (3) The department shall allow access to the confidential  
1702 and exempt information pertaining to the physician certification  
1703 for marijuana and the dispensing thereof, whether in the  
1704 registry or otherwise held by the department, to:

1705 (a) An employee of the department for the purpose of  
1706 approving or disapproving a request for an exception to the  
1707 daily dose amount limit for a qualified patient; and

1708 (b) The Consortium for Medical Marijuana Clinical Outcomes  
1709 Research pursuant to s. 381.986 for the purpose of conducting  
1710 research regarding the medical use of marijuana.

1711 (4) All information released by the department under  
1712 subsections (2) and (3) remains confidential and exempt, and a  
1713 person who receives access to such information must maintain the  
1714 confidential and exempt status of the information received.

1715 (5) A person who willfully and knowingly violates this  
1716 section commits a felony of the third degree, punishable as  
1717 provided in s. 775.082 or s. 775.083.

1718 (6) This section is subject to the Open Government Sunset  
1719 Review Act in accordance with s. 119.15 and shall stand repealed  
1720 on October 2, 2022, unless reviewed and saved from repeal  
1721 through reenactment by the Legislature.

1722 Section 3. This act shall take effect upon becoming a law.