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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Rules (Collins) recommended the following:

**Senate Amendment**

Delete lines 365 - 784  
and insert:

an agreement, or a contract.

b. "Owner" means any person who owns or controls a 5 percent or greater share of interests of the applicant or a medical marijuana treatment center which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case,



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12 both are considered the owner of such interests.

13         9. The employment of a medical director to supervise the  
14 activities of the medical marijuana treatment center.

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

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

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

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

28             (e) A licensed medical marijuana treatment center shall  
29 cultivate, process, transport, and dispense marijuana for  
30 medical use. A licensed medical marijuana treatment center may  
31 not contract for services directly related to the cultivation,  
32 processing, and dispensing of marijuana or marijuana delivery  
33 devices, except that a medical marijuana treatment center  
34 licensed pursuant to subparagraph (a)1. may contract with a  
35 single entity for the cultivation, processing, transporting, and  
36 dispensing of marijuana and marijuana delivery devices. A  
37 licensed medical marijuana treatment center shall ~~must~~, at all  
38 times, maintain compliance with the criteria demonstrated and  
39 representations made in the initial application and the criteria  
40 established in this subsection. Upon request, the department may



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41 grant a medical marijuana treatment center a variance from the  
42 representations made in the initial application. Consideration  
43 of such a request must ~~shall~~ be based upon the individual facts  
44 and circumstances surrounding the request. A variance may not be  
45 granted unless the requesting medical marijuana treatment center  
46 can demonstrate to the department that it has a proposed  
47 alternative to the specific representation made in its  
48 application which fulfills the same or a similar purpose as the  
49 specific representation in a way that the department can  
50 reasonably determine will not be a lower standard than the  
51 specific representation in the application. A variance may not  
52 be granted from the requirements in subparagraph 2. and  
53 subparagraphs (b)1. and 2.

54 1. A licensed medical marijuana treatment center may  
55 transfer ownership to an individual or entity who meets the  
56 requirements of this section. A publicly traded corporation or  
57 publicly traded company that meets the requirements of this  
58 section is not precluded from ownership of a medical marijuana  
59 treatment center. To accommodate a change in ownership:

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

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

67 c. Upon receipt of an application for a license, the  
68 department shall examine the application and, within 30 days  
69 after receipt, notify the applicant in writing of any apparent



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70 errors or omissions and request any additional information  
71 required.

72 d. Requested information omitted from an application for  
73 licensure must be filed with the department within 21 days after  
74 the department's request for omitted information or the  
75 application will ~~shall~~ be deemed incomplete and ~~shall be~~  
76 withdrawn from further consideration and the fees ~~shall be~~  
77 forfeited.

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

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

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

92 4. All employees of a medical marijuana treatment center  
93 must be 21 years of age or older and have passed a background  
94 screening pursuant to subsection (9). As used in this  
95 subparagraph, the term "employee" means any person employed by a  
96 medical marijuana treatment center licensee in any capacity,  
97 including those whose duties involve any aspect of the  
98 cultivation, processing, transportation, or dispensing of



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99 marijuana. This requirement applies to all employees, regardless  
100 of the compensation received.

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

105       6. When growing marijuana, a medical marijuana treatment  
106 center:

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

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

114       c. Must inspect seeds and growing plants for plant pests  
115 that endanger or threaten the horticultural and agricultural  
116 interests of the state in accordance with chapter 581 and any  
117 rules adopted thereunder.

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

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

124       8. A medical marijuana treatment center that produces  
125 edibles must hold a permit to operate as a food establishment  
126 pursuant to chapter 500, the Florida Food Safety Act, and must  
127 comply with all the requirements for food establishments



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128 pursuant to chapter 500 and any rules adopted thereunder.  
129 Edibles may not contain more than 200 milligrams of  
130 tetrahydrocannabinol, and a single serving portion of an edible  
131 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
132 may not have a potency variance ~~of no~~ greater than 15 percent.  
133 Marijuana products, including edibles, may not be attractive to  
134 children; be manufactured in the shape of humans, cartoons, or  
135 animals; be manufactured in a form that bears any reasonable  
136 resemblance to products available for consumption as  
137 commercially available candy; or contain any color additives. To  
138 discourage consumption of edibles by children, the department  
139 shall determine by rule any shapes, forms, and ingredients  
140 allowed and prohibited for edibles. Medical marijuana treatment  
141 centers may not begin processing or dispensing edibles until  
142 after the effective date of the rule. The department shall also  
143 adopt sanitation rules providing the standards and requirements  
144 for the storage, display, or dispensing of edibles.

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

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



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157           11. When processing marijuana, a medical marijuana  
158 treatment center must:

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

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

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

174           d. Test the processed marijuana using a medical marijuana  
175 testing laboratory before it is dispensed. Results must be  
176 verified and signed by two medical marijuana treatment center  
177 employees. Before dispensing, the medical marijuana treatment  
178 center must determine that the test results indicate that low-  
179 THC cannabis meets the definition of low-THC cannabis, the  
180 concentration of tetrahydrocannabinol meets the potency  
181 requirements of this section, the labeling of the concentration  
182 of tetrahydrocannabinol and cannabidiol is accurate, and all  
183 marijuana is safe for human consumption and free from  
184 contaminants that are unsafe for human consumption. The  
185 department shall determine by rule which contaminants must be



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186 tested for and the maximum levels of each contaminant which are  
187 safe for human consumption. The Department of Agriculture and  
188 Consumer Services shall assist the department in developing the  
189 testing requirements for contaminants that are unsafe for human  
190 consumption in edibles. The department shall also determine by  
191 rule the procedures for the treatment of marijuana that fails to  
192 meet the testing requirements of this section, s. 381.988, or  
193 department rule. The department may select samples of marijuana  
194 from a medical marijuana treatment center facility which shall  
195 be tested by the department to determine whether the marijuana  
196 meets the potency requirements of this section, is safe for  
197 human consumption, and is accurately labeled with the  
198 tetrahydrocannabinol and cannabidiol concentration or to verify  
199 the result of marijuana testing conducted by a marijuana testing  
200 laboratory. The department may also select samples of marijuana  
201 delivery devices from a medical marijuana treatment center to  
202 determine whether the marijuana delivery device is safe for use  
203 by qualified patients. A medical marijuana treatment center may  
204 not require payment from the department for the sample. A  
205 medical marijuana treatment center must recall marijuana,  
206 including all marijuana and marijuana products made from the  
207 same batch of marijuana, that fails to meet the potency  
208 requirements of this section, that is unsafe for human  
209 consumption, or for which the labeling of the  
210 tetrahydrocannabinol and cannabidiol concentration is  
211 inaccurate. The department shall adopt rules to establish  
212 marijuana potency variations of no greater than 15 percent using  
213 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts  
214 for, but is not limited to, time lapses between testing, testing





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215 methods, testing instruments, and types of marijuana sampled for  
216 testing. The department may not issue any recalls for product  
217 potency as it relates to product labeling before issuing a rule  
218 relating to potency variation standards. A medical marijuana  
219 treatment center must also recall all marijuana delivery devices  
220 determined to be unsafe for use by qualified patients. The  
221 medical marijuana treatment center must retain records of all  
222 testing and samples of each homogeneous batch of marijuana for  
223 at least 9 months. The medical marijuana treatment center must  
224 contract with a marijuana testing laboratory to perform audits  
225 on the medical marijuana treatment center's standard operating  
226 procedures, testing records, and samples and provide the results  
227 to the department to confirm that the marijuana or low-THC  
228 cannabis meets the requirements of this section and that the  
229 marijuana or low-THC cannabis is safe for human consumption. A  
230 medical marijuana treatment center shall reserve two processed  
231 samples from each batch and retain such samples for at least 9  
232 months for the purpose of such audits. A medical marijuana  
233 treatment center may use a laboratory that has not been  
234 certified by the department under s. 381.988 until such time as  
235 at least one laboratory holds the required certification, but in  
236 no event later than July 1, 2018.

237 e. Package the marijuana in compliance with the United  
238 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
239 1471 et seq.

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

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



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

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

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

250 (V) The name of the patient.

251 (VI) The product name, if applicable, and dosage form,  
252 including concentration of tetrahydrocannabinol and cannabidiol.  
253 The product name may not contain wording commonly associated  
254 with products that are attractive to children or which promote  
255 the recreational use of marijuana.

256 (VII) The recommended dose.

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

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

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

- 264 a. Clinical pharmacology.
- 265 b. Indications and use.
- 266 c. Dosage and administration.
- 267 d. Dosage forms and strengths.
- 268 e. Contraindications.
- 269 f. Warnings and precautions.
- 270 g. Adverse reactions.

271 13. In addition to the packaging and labeling requirements  
272 specified in subparagraphs 11. and 12., marijuana in a form for



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273 smoking must be packaged in a sealed receptacle with a legible  
274 and prominent warning to keep away from children and a warning  
275 that states marijuana smoke contains carcinogens and may  
276 negatively affect health. Such receptacles for marijuana in a  
277 form for smoking must be plain, opaque, and white without  
278 depictions of the product or images other than the medical  
279 marijuana treatment center's department-approved logo and the  
280 marijuana universal symbol.

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

286 15. Each edible must be individually sealed in plain,  
287 opaque wrapping marked only with the marijuana universal symbol.  
288 Where practical, each edible must be marked with the marijuana  
289 universal symbol. In addition to the packaging and labeling  
290 requirements in subparagraphs 11. and 12., edible receptacles  
291 must be plain, opaque, and white without depictions of the  
292 product or images other than the medical marijuana treatment  
293 center's department-approved logo and the marijuana universal  
294 symbol. The receptacle must also include a list of all the  
295 edible's ingredients, storage instructions, an expiration date,  
296 a legible and prominent warning to keep away from children and  
297 pets, and a warning that the edible has not been produced or  
298 inspected pursuant to federal food safety laws.

299 16. When dispensing marijuana or a marijuana delivery  
300 device, a medical marijuana treatment center:

301 a. May dispense any active, valid order for low-THC



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302 cannabis, medical cannabis and cannabis delivery devices issued  
303 pursuant to former s. 381.986, Florida Statutes 2016, which was  
304 entered into the medical marijuana use registry before July 1,  
305 2017.

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

313       c. Must have the medical marijuana treatment center's  
314 employee who dispenses the marijuana or a marijuana delivery  
315 device enter into the medical marijuana use registry his or her  
316 name or unique employee identifier.

317       d. Must verify that the qualified patient and the  
318 caregiver, if applicable, each have an active registration in  
319 the medical marijuana use registry and an active and valid  
320 medical marijuana use registry identification card, the amount  
321 and type of marijuana dispensed matches the physician  
322 certification in the medical marijuana use registry for that  
323 qualified patient, and the physician certification has not  
324 already been filled.

325       e. May not dispense marijuana to a qualified patient who is  
326 younger than 18 years of age. If the qualified patient is  
327 younger than 18 years of age, marijuana may only be dispensed to  
328 the qualified patient's caregiver.

329       f. May not dispense or sell any other type of cannabis,  
330 alcohol, or illicit drug-related product, including pipes or



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331 wrapping papers made with tobacco or hemp, other than a  
332 marijuana delivery device required for the medical use of  
333 marijuana and which is specified in a physician certification.

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

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

343 (f) To ensure the safety and security of premises where the  
344 cultivation, processing, storing, or dispensing of marijuana  
345 occurs, and to maintain adequate controls against the diversion,  
346 theft, and loss of marijuana or marijuana delivery devices, a  
347 medical marijuana treatment center shall:

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

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

354 (I) Cameras are fixed in a place that allows for the clear  
355 identification of persons and activities in controlled areas of  
356 the premises. Controlled areas include grow rooms, processing  
357 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
358 rooms.

359 (II) Cameras are fixed in entrances and exits to the



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360 premises, which must ~~shall~~ record from both indoor and outdoor,  
361 or ingress and egress, vantage points.

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

364 (IV) Retain video surveillance recordings for at least 45  
365 days or longer upon the request of a law enforcement agency.

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

368 3. Ensure that the indoor premises where dispensing occurs  
369 includes a waiting area with sufficient space and seating to  
370 accommodate qualified patients and caregivers and at least one  
371 private consultation area that is isolated from the waiting area  
372 and area where dispensing occurs. A medical marijuana treatment  
373 center may not display products or dispense marijuana or  
374 marijuana delivery devices in the waiting area.

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

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

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

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

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

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



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389           10. Report to local law enforcement and notify the  
390 department through e-mail within 24 hours after the medical  
391 marijuana treatment center is notified or becomes aware of any  
392 actual or attempted ~~the~~ theft, diversion, or loss of marijuana.

393           Section 6. Paragraph (d) of subsection (1) of section  
394 381.988, Florida Statutes, is amended to read:

395           381.988 Medical marijuana testing laboratories; marijuana  
396 tests conducted by a certified laboratory.-

397           (1) A person or entity seeking to be a certified marijuana  
398 testing laboratory must:

399           (d) Require all employees, owners, and managers to submit  
400 to and pass a level 2 background screening pursuant to chapter  
401 435. The department shall deny certification if the person or  
402 entity seeking certification has a disqualifying offense as  
403 provided in s. 435.04 or has an arrest awaiting final  
404 disposition for, has been found guilty of, or has entered a plea  
405 of guilty or nolo contendere to, regardless of adjudication, any  
406 offense listed in chapter 837, chapter 895, or chapter 896 or  
407 similar law of another jurisdiction. Exemptions from  
408 disqualification as provided under s. 435.07 do not apply to  
409 this paragraph.

410           1. As used in this paragraph, the term:

411           a. "Employee" means any person whose duties or activities  
412 involve any aspect of regulatory compliance testing or research  
413 and development testing of marijuana for a certified marijuana  
414 testing laboratory, regardless of whether such person is  
415 compensated for his or her work.

416           b. "Manager" means any person with authority to exercise or  
417 contribute to the operational control, direction, or management



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418 of an applicant or certified marijuana testing laboratory or who  
419 has authority to supervise any employee of an applicant or a  
420 certified marijuana testing laboratory. The term includes an  
421 individual with the power or authority to direct or influence  
422 the direction or operation of an applicant or a certified  
423 marijuana testing laboratory through board membership, an  
424 agreement, or a contract.