

1                   A bill to be entitled  
2           An act relating to medical use of marijuana; amending  
3           s. 212.08, F.S.; providing an exemption from the state  
4           tax on sales, use, and other transactions for  
5           marijuana and marijuana delivery devices used for  
6           medical purposes; amending s. 381.986, F.S.;  
7           providing, revising, and deleting definitions;  
8           providing qualifying medical conditions for a patient  
9           to be eligible to receive marijuana or a marijuana  
10          delivery device; providing requirements for  
11          designating a qualified physician; providing criteria  
12          for certification of a patient for medical marijuana  
13          treatment by a qualified physician; providing for  
14          certain patients registered with the compassionate use  
15          registry to be deemed qualified; requiring the  
16          Department of Health to monitor physician registration  
17          and certifications in the medical marijuana use  
18          registry; requiring the Board of Medicine and the  
19          Board of Osteopathic Medicine to create a physician  
20          certification pattern review panel; providing  
21          rulemaking authority to the department and the boards;  
22          requiring the department to establish a medical  
23          marijuana use registry; specifying entities and  
24          persons who have access to the registry; providing  
25          requirements for registration of, and maintenance of

26 registered status by, qualified patients and  
27 caregivers; authorizing the department to revoke the  
28 registration of a patient or caregiver under certain  
29 circumstances; providing requirements for the issuance  
30 of medical marijuana use registry identification  
31 cards; requiring the department to issue licenses to a  
32 certain number of medical marijuana treatment centers;  
33 providing for license renewal and revocation;  
34 providing for continuance of certain entities  
35 authorized to dispense low-THC cannabis, medical  
36 cannabis, and cannabis delivery devices; requiring  
37 background screening of owners, officers, board  
38 members, and managers of medical marijuana treatment  
39 centers; requiring the department to establish,  
40 maintain, and control a computer seed-to-sale  
41 marijuana tracking system; requiring the department to  
42 establish protocols and procedures for operation,  
43 conduct periodic inspections, and restrict location of  
44 medical marijuana treatment centers; providing a limit  
45 on county and municipal permit fees; providing  
46 penalties; authorizing the department to impose  
47 sanctions on persons or entities engaging in  
48 unlicensed activities; providing that a person is not  
49 exempt from prosecution for certain offenses and is  
50 not relieved from certain requirements of law under

51 certain circumstances; providing for certain school  
52 personnel to possess marijuana pursuant to certain  
53 established policies and procedures; amending ss.  
54 458.331 and 459.015, F.S.; providing additional acts  
55 by a physician or an osteopathic physician which  
56 constitute grounds for denial of a license or  
57 disciplinary action to which penalties apply; creating  
58 s. 381.988, F.S.; providing for the establishment of  
59 medical marijuana testing laboratories; requiring the  
60 Department of Health, in collaboration with the  
61 Department of Agriculture and Consumer Services and  
62 the Department of Environmental Protection, to develop  
63 certification standards and rules; creating s.  
64 381.989, F.S.; directing the department to institute  
65 public education campaigns relating to cannabis and  
66 marijuana and impaired driving; authorizing the  
67 department to contract with vendors to implement and  
68 evaluate the campaigns; amending ss. 385.211,  
69 499.0295, and 893.02, F.S.; conforming provisions to  
70 changes made by the act; amending s. 1004.441, F.S.;  
71 revising a definition; amending s. 1006.062, F.S.;  
72 requiring district school boards to adopt policies and  
73 procedures for access to medical marijuana by  
74 qualified patients who are students; providing  
75 emergency rulemaking authority; providing for venue

76 | for a cause of action against the department;  
 77 | providing for defense against certain causes of  
 78 | action; providing appropriations; providing an  
 79 | effective date.

80 |

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

82 |

83 | Section 1. Paragraph (1) of subsection (2) of section  
 84 | 212.08, Florida Statutes, is redesignated as paragraph (m), and  
 85 | a new paragraph (1) is added to that subsection, to read:

86 | 212.08 Sales, rental, use, consumption, distribution, and  
 87 | storage tax; specified exemptions.—The sale at retail, the  
 88 | rental, the use, the consumption, the distribution, and the  
 89 | storage to be used or consumed in this state of the following  
 90 | are hereby specifically exempt from the tax imposed by this  
 91 | chapter.

92 | (2) EXEMPTIONS; MEDICAL.—

93 | (1) Marijuana and marijuana delivery devices, as defined  
 94 | in s. 381.986, are exempt from the taxes imposed under this  
 95 | chapter.

96 | Section 2. Section 381.986, Florida Statutes, is amended  
 97 | to read:

98 | (Substantial rewording of section. See  
 99 | s. 381.986, F.S., for present text.)  
 100 | 381.986 Medical use of marijuana.—

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

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

106 (b) "Low-THC cannabis" means a plant of the genus  
107 Cannabis, the dried flowers of which contain 0.8 percent or less  
108 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
109 weight for weight; the seeds thereof; the resin extracted from  
110 any part of such plant; or any compound, manufacture, salt,  
111 derivative, mixture, or preparation of such plant or its seeds  
112 or resin that is dispensed only from a medical marijuana  
113 treatment center.

114 (c) "Marijuana" means all parts of any plant of the genus  
115 Cannabis, whether growing or not; the seeds thereof; the resin  
116 extracted from any part of the plant; and every compound,  
117 manufacture, salt, derivative, mixture, or preparation of the  
118 plant or its seeds or resin, including low-THC cannabis which  
119 are dispensed only from a medical marijuana treatment center for  
120 medical use by a qualified patient.

121 (d) "Marijuana delivery device" means an object used,  
122 intended for use, or designed for use in preparing, storing,  
123 ingesting, inhaling, or otherwise introducing marijuana into the  
124 human body.

125 (e) "Marijuana testing laboratory" means a facility that

126 collects and analyzes marijuana samples from a medical marijuana  
127 treatment center and has been certified by the department  
128 pursuant to s. 381.988.

129 (f) "Medical director" means a person who holds an active,  
130 unrestricted license as an allopathic physician under chapter  
131 458 or osteopathic physician under chapter 459 and is in  
132 compliance with the requirements of paragraph (3) (a).

133 (g) "Medical use" means the acquisition, possession, use,  
134 delivery, transfer, or administration of marijuana authorized by  
135 a physician certification. The term does not include:

136 1. Possession, use, or administration of marijuana that  
137 was not purchased or acquired from a medical marijuana treatment  
138 center.

139 2. Possession, use, or administration of marijuana in a  
140 form for smoking or vaping or in the form of commercially  
141 produced food items made with marijuana or marijuana oils,  
142 except for vapable forms possessed, used, or administered by or  
143 for a qualified patient diagnosed with a terminal condition.

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

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

150 5. Use or administration of marijuana in the following

151 locations:

152 a. On any form of public transportation.

153 b. In any public place.

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

156 d. In a state correctional institution, as defined in s.  
157 944.02, or a correctional institution, as defined in s. 944.241.

158 e. On the grounds of a preschool, primary school, or  
159 secondary school, except as provided in s. 1006.062.

160 f. In a school bus, a vehicle, an aircraft, or a  
161 motorboat.

162 (h) "Physician certification" means a qualified  
163 physician's authorization for a qualified patient to receive  
164 marijuana and a marijuana delivery device from a medical  
165 marijuana treatment center.

166 (i) "Qualified patient" means a resident of this state who  
167 has been added to the medical marijuana use registry by a  
168 qualified physician to receive marijuana or a marijuana delivery  
169 device for a medical use and who has a qualified patient  
170 identification card.

171 (j) "Qualified physician" means a person who holds an  
172 active, unrestricted license as an allopathic physician under  
173 chapter 458 or as an osteopathic physician under chapter 459 and  
174 is in compliance with the physician education requirements of  
175 subsection (3).

176 (k) "Smoking" means burning or igniting a substance and  
 177 inhaling the smoke.

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

184 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be  
 185 diagnosed with at least one of the following conditions to  
 186 qualify to receive marijuana or a marijuana delivery device:

- 187 (a) Cancer.
- 188 (b) Epilepsy.
- 189 (c) Glaucoma.
- 190 (d) Positive status for human immunodeficiency virus.
- 191 (e) Acquired immune deficiency syndrome.
- 192 (f) Post-traumatic stress disorder.
- 193 (g) Amyotrophic lateral sclerosis.
- 194 (h) Crohn's disease.
- 195 (i) Parkinson's disease.
- 196 (j) Multiple sclerosis.
- 197 (k) Medical conditions of the same kind or class as or  
 198 comparable to those enumerated in paragraphs (a)-(j).

199 (l) A terminal condition diagnosed by a physician other  
 200 than the qualified physician issuing the physician

201 certification.

202 (3) QUALIFIED PHYSICIANS.-To be approved as a qualified  
203 physician, as defined in paragraph (1)(j), a physician must:

204 (a) Successfully complete a 2-hour course and subsequent  
205 examination approved by the applicable board which encompass the  
206 requirements of this section and any rules adopted hereunder.

207 The course and examination shall be administered at least  
208 annually and may be offered in a distance learning format,  
209 including an electronic, online format that is available upon  
210 request. A physician who has met the physician education  
211 requirements of former s. 381.986(4), Florida Statutes 2016,  
212 before the effective date of this section, shall be deemed to be  
213 in compliance with this paragraph from the effective date of  
214 this act until 90 days after the course and examination required  
215 by this paragraph become available.

216 (b) Not be employed by, or have any direct or indirect  
217 economic interest in, a medical marijuana treatment center or  
218 marijuana testing laboratory.

219 (4) PHYSICIAN CERTIFICATION.-

220 (a) A qualified physician may issue a physician  
221 certification only if the qualified physician:

222 1. Conducted a physical examination while physically  
223 present in the same room as the patient and a full assessment of  
224 the medical history of the patient.

225 2. Diagnosed the patient with at least one qualifying

226 medical condition, and, if the diagnosis is pursuant to  
227 paragraph (2)(k), submits to the applicable board:

228 a. Documentation supporting the qualified physician's  
229 opinion that the medical condition is of the same kind or class  
230 as the conditions in paragraphs (2)(a)-(j).

231 b. Documentation that establishes the efficacy of  
232 marijuana as treatment for the condition.

233 c. Documentation supporting the qualified physician's  
234 opinion that medical use of marijuana would likely outweigh the  
235 potential health risks for the patient.

236 d. Any other documentation requested by the board.

237 3. Treated the patient for at least 3 months immediately  
238 preceding the patient's registration in the medical marijuana  
239 use registry, except for a patient who has been diagnosed with a  
240 terminal condition.

241 4. Determined that the medical use of marijuana would  
242 likely outweigh the potential health risks for the patient. If a  
243 patient is younger than 18 years of age, a second physician must  
244 concur with this determination, and such determination must be  
245 documented in the patient's medical record.

246 5. Reviewed the medical marijuana use registry and  
247 confirmed that the patient does not have an active physician  
248 certification from another qualified physician.

249 6. Registers as the issuer of the physician certification  
250 for the named qualified patient on the medical marijuana use

251 registry in an electronic manner determined by the department,  
252 and:

253 a. Enters into the registry the contents of the physician  
254 certification, including the patient's qualifying condition and  
255 the dosage, amount, and form of marijuana authorized for the  
256 patient and any marijuana delivery device needed by the patient  
257 for the medical use of marijuana.

258 b. Updates the registry within 7 days after any change is  
259 made to the original physician certification to reflect such  
260 change.

261 c. Deactivates the registration of the qualified patient  
262 and the patient's caregiver when treatment is discontinued.

263 7. Maintains an individualized patient treatment plan that  
264 includes the qualified patient's qualifying condition and the  
265 dose, route of administration, planned duration, treatment  
266 objectives, plan for assessing and monitoring the qualified  
267 patient's risk of aberrant drug-related behavior, and plan for  
268 monitoring the qualified patient's symptoms and other indicators  
269 of tolerance or reaction to the marijuana.

270 8. Submits the patient treatment plan quarterly to the  
271 University of Florida College of Pharmacy for research on the  
272 safety and efficacy of marijuana.

273 9. Obtains the voluntary and informed written consent of  
274 the patient to treatment with marijuana each time the qualified  
275 physician issues a physician certification for the patient,

276 which shall be maintained in the patient's medical record. The  
277 patient, or the patient's parent or legal guardian if the  
278 patient is a minor, must sign the informed consent acknowledging  
279 that the qualified physician has sufficiently explained its  
280 content. The qualified physician must use a standardized  
281 informed consent form adopted in rule by the Board of Medicine  
282 and the Board of Osteopathic Medicine, which must include, at a  
283 minimum, information related to:

284 a. The Federal Government's classification of marijuana as  
285 a Schedule I controlled substance.

286 b. The approval and oversight status of marijuana by the  
287 Food and Drug Administration.

288 c. The current state of research on the efficacy of  
289 marijuana to treat the qualifying conditions set forth in this  
290 section.

291 d. The potential for addiction.

292 e. The potential effect that marijuana may have on a  
293 patient's coordination, motor skills, and cognition, including a  
294 warning against operating heavy machinery, operating a motor  
295 vehicle, or engaging in activities that require a person to be  
296 alert or respond quickly.

297 f. The potential side effects of marijuana use.

298 g. The risks, benefits, and drug interactions of  
299 marijuana.

300 (b) A qualified physician may not issue a physician

301 certification for more than a 90-day supply of marijuana. The  
302 department shall quantify by rule a daily dose amount with  
303 equivalent dose amounts for each allowable form of marijuana  
304 dispensed by a medical marijuana treatment center. The  
305 department shall use the daily dose amount to calculate the 90-  
306 day supply.

307 1. A qualified physician may request an exception to the  
308 90-day supply limit. The request shall be made electronically on  
309 a form adopted by the department in rule and must include, at a  
310 minimum:

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

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

314 c. A description of how the patient will benefit from an  
315 increased supply.

316 d. The minimum supply of marijuana that would be  
317 sufficient for the treatment of the qualified patient's  
318 qualifying medical condition.

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

321 3. The department shall approve or disapprove the request  
322 within 30 days after receipt of the complete documentation  
323 required by this paragraph. The request shall be deemed approved  
324 if the department fails to act within this time period.

325 (c) A qualified physician must evaluate an existing

326 patient at least once every 90 days to determine if the patient  
327 still meets the requirements of paragraph (a).

328 (d) An active order for low-THC cannabis or medical  
329 cannabis issued pursuant to former s. 381.986, Florida Statutes  
330 2016, and registered with the compassionate use registry before  
331 the effective date of this section, is deemed a physician  
332 certification, and all patients possessing such orders are  
333 deemed qualified patients until the department begins issuing  
334 medical marijuana use registry identification cards.

335 (e) The department shall monitor physician registration in  
336 the medical marijuana use registry and the issuance of physician  
337 certifications for practices that could facilitate unlawful  
338 diversion or misuse of marijuana or a marijuana delivery device  
339 and shall take disciplinary action as appropriate.

340 (f) The Board of Medicine and the Board of Osteopathic  
341 Medicine shall jointly create a physician certification pattern  
342 review panel that shall review all physician certifications  
343 submitted to the medical marijuana use registry. The panel shall  
344 track and report the number of physician certifications and the  
345 qualifying medical conditions, dosage, supply amount, and form  
346 of marijuana certified. The panel shall report the data both by  
347 individual qualified physician and in the aggregate, by county,  
348 and statewide. The physician certification pattern review panel  
349 shall, beginning January 1, 2018, submit an annual report of its  
350 findings and recommendations to the Governor, the President of

351 the Senate, and the Speaker of the House of Representatives.

352 (g) The department, the Board of Medicine, and the Board  
 353 of Osteopathic Medicine may adopt rules pursuant to ss.  
 354 120.536(1) and 120.54 to implement this subsection.

355 (5) MEDICAL MARIJUANA USE REGISTRY.—

356 (a) The department shall create and maintain a secure,  
 357 electronic, and online medical marijuana use registry for  
 358 physicians, patients, and caregivers as provided under this  
 359 section. The medical marijuana use registry must be accessible  
 360 to law enforcement agencies, qualified physicians, and medical  
 361 marijuana treatment centers to verify the authorization of a  
 362 qualified patient or a caregiver to possess marijuana or a  
 363 marijuana delivery device and record the marijuana or marijuana  
 364 delivery device dispensed. The medical marijuana use registry  
 365 must prevent an active registration of a qualified patient by  
 366 multiple physicians.

367 (b) The department shall determine whether an individual  
 368 is a permanent resident of this state for the purpose of  
 369 registration of qualified patients and caregivers in the medical  
 370 marijuana use registry. To prove permanent residency:

371 1. An adult must provide the department with a copy of his  
 372 or her valid Florida driver license issued under s. 322.18 or a  
 373 valid Florida identification card issued under s. 322.051 and a  
 374 copy of one of the following documents:

375 a. Proof of voter registration in this state.

376        b. A utility bill in the individual's name including a  
377 Florida address which matches the address on the individual's  
378 Florida driver license or Florida identification card.

379        c. The address as listed on federal income tax returns  
380 filed by the individual seeking to prove residency which matches  
381 the address on the individual's Florida driver license or  
382 Florida identification card.

383        2. A minor must provide the department with a certified  
384 copy of a birth certificate or a current record of registration  
385 from a Florida K-12 school and must have a parent or legal  
386 guardian who meets the requirements of subparagraph (6)(b)1.

387        (c) The department may suspend the registration of a  
388 qualified patient or caregiver if the qualified patient or  
389 caregiver:

390        1. Provides misleading, incorrect, false, or fraudulent  
391 information to the department;

392        2. Obtains a supply of marijuana in an amount greater than  
393 the amount authorized by the physician certification;

394        3. Falsifies, alters, or otherwise modifies an  
395 identification card;

396        4. Fails to timely notify the department of any changes to  
397 his or her qualified patient status; or

398        5. Violates the requirements of this section or any rule  
399 adopted under this section.

400        (d) The department shall immediately suspend the

401 registration of a qualified patient charged with a violation of  
402 chapter 893 until final disposition of any alleged offense.  
403 Thereafter, the department may extend the suspension, revoke the  
404 registration, or reinstate the registration.

405 (e) The department shall immediately suspend the  
406 registration of any caregiver charged with a violation of  
407 chapter 893 until final disposition of any alleged offense. The  
408 department shall revoke a caregiver registration if the  
409 caregiver does not meet the requirements of subparagraph  
410 (6)(b)6.

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

415 (g) The department shall revoke the registration of a  
416 qualified patient, and the patient's associated caregiver, upon  
417 notification that the patient no longer meets the criteria of a  
418 qualified patient.

419 (h) The department may adopt rules pursuant to ss.  
420 120.536(1) and 120.54 to implement this subsection.

421 (6) CAREGIVERS.—

422 (a) The department must register an individual as a  
423 caregiver on the medical marijuana use registry and issue a  
424 caregiver identification card if an individual designated by a  
425 qualified patient meets all of the requirements of this

426 subsection and department rule.

427 (b) A qualified patient may designate one caregiver to  
428 assist with the qualified patient's medical use of marijuana. A  
429 caregiver must:

430 1. Not be a qualified physician and not be employed by or  
431 have an economic interest in a medical marijuana treatment  
432 center or a marijuana testing laboratory.

433 2. Be 21 years of age or older and a permanent resident of  
434 this state.

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

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

440 5. Successfully complete a caregiver certification course  
441 and subsequent examination developed and administered by the  
442 department or its designee, which must be renewed biennially.

443 6. Successfully pass a level 2 background screening as  
444 provided under chapter 435, which, in addition to the  
445 disqualifying offenses provided in s. 435.04, shall exclude an  
446 individual who has an arrest awaiting final disposition for, has  
447 been found guilty of, regardless of adjudication, or has entered  
448 a plea of nolo contendere or guilty to an offense under chapter  
449 837, chapter 895, or chapter 896 or similar law of another  
450 jurisdiction.

451 (c) A caregiver may be registered in the medical marijuana  
452 use registry as a designated caregiver for no more than one  
453 qualified patient, unless:

454 1. The caregiver is a parent or legal guardian of more  
455 than one minor child who is a qualified patient;

456 2. The caregiver is a parent or legal guardian of more  
457 than one adult child who is a qualified patient and who has an  
458 intellectual or developmental disability that prevents the adult  
459 child from being able to protect or care for himself or herself  
460 without assistance or supervision; or

461 3. All qualified patients the caregiver has agreed to  
462 assist are admitted to a hospice program or are residents of the  
463 same nursing facility and have requested the assistance of that  
464 caregiver with the medical use of marijuana; the caregiver is an  
465 employee of the hospice or nursing facility; and the caregiver  
466 provides personal care or other services directly to clients of  
467 the hospice or nursing facility in the scope of that employment.

468 (d) A caregiver may not receive compensation for any  
469 services provided to the qualified patient but may recover  
470 caregiver certification fees.

471 (e) A caregiver must be in immediate possession of his or  
472 her medical marijuana use registry identification card at all  
473 times when in possession of marijuana or a marijuana delivery  
474 device and must present his or her medical marijuana use  
475 registry identification card upon the request of a law

476 enforcement officer.

477 (f) The department may adopt rules pursuant to ss.  
478 120.536(1) and 120.54 to implement this subsection.

479 (7) IDENTIFICATION CARDS.-

480 (a) The department shall issue medical marijuana use  
481 registry identification cards for qualified patients and  
482 caregivers who are permanent residents of this state, which must  
483 be renewed annually. The identification cards must be resistant  
484 to counterfeiting and tampering and must include, at a minimum,  
485 the following:

486 1. The name, address, and date of birth of the qualified  
487 patient or caregiver.

488 2. A full-face, passport-type, color photograph of the  
489 qualified patient or caregiver taken within the 90 days  
490 immediately preceding registration.

491 3. Identification as a qualified patient or a caregiver.

492 4. The unique numeric identifier used for the qualified  
493 patient in the medical marijuana use registry.

494 5. For a caregiver, the name and unique numeric identifier  
495 of the qualified patient or patients that the caregiver is  
496 assisting.

497 6. The expiration date of the identification card.

498 (b) The department must receive written consent from a  
499 qualified patient's parent or legal guardian before it may issue  
500 an identification card to a qualified patient who is a minor.

501 (c) The department shall, by July 3, 2017, adopt rules  
502 pursuant to ss. 120.536(1) and 120.54 establishing procedures  
503 for the issuance, renewal, suspension, replacement, surrender,  
504 and revocation of medical marijuana use registry identification  
505 cards and shall begin issuing qualified patient identification  
506 cards by October 3, 2017.

507 (d) Applications for identification cards must be  
508 submitted on a form prescribed by the department. The department  
509 may charge a reasonable fee associated with the issuance,  
510 replacement, and renewal of identification cards. The department  
511 may contract with a third party to issue identification cards.

512 (e) A qualified patient or caregiver must return his or  
513 her identification card to the department within 5 business days  
514 after revocation.

515 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

516 (a) The department shall license medical marijuana  
517 treatment centers to ensure reasonable statewide accessibility  
518 and availability as necessary for qualified patients registered  
519 in the medical marijuana use registry and who are issued a  
520 physician certification under this section.

521 1. The department shall license as a medical marijuana  
522 treatment center any entity that holds an active, unrestricted  
523 license to cultivate, process, transport, and dispense low-THC  
524 cannabis, medical cannabis, and cannabis delivery devices, under  
525 former s. 381.986, Florida Statutes 2016, before July 1, 2017,

526 and which meets the requirements of this section. In addition to  
527 the authority granted under this section, these entities are  
528 authorized to dispense low-THC cannabis, medical cannabis, and  
529 cannabis delivery devices ordered pursuant to former s. 381.986,  
530 Florida Statutes 2016, which were entered into the compassionate  
531 use registry before July 1, 2017. The department may grant  
532 variances from the representations made in such an entity's  
533 original application for approval under former s. 381.986,  
534 Florida Statutes 2014, pursuant to paragraph (e).

535 2. The department shall also license as a medical  
536 marijuana treatment center any applicant that was denied a  
537 dispensing organization license by the department under former  
538 s. 381.986, Florida Statutes 2014, if the applicant is awarded a  
539 license pursuant to an administrative or legal challenge filed  
540 prior to January 1, 2017, and meets the requirements of this  
541 section.

542 3. Upon the registration of 150,000 active qualified  
543 patients in the medical marijuana use registry, the department  
544 shall also license as a medical marijuana treatment center one  
545 applicant per region which was a dispensing organization  
546 applicant under former s. 381.986, Florida Statutes 2014; was  
547 the next-highest scoring applicant after the applicant or  
548 applicants that were awarded a license for that region; and  
549 meets the requirements of this section.

550 4. Upon the registration of 150,000 active qualified

551 patients in the medical marijuana use registry, the department  
552 shall also license as a medical marijuana treatment center one  
553 applicant that is a recognized class member of Pigford v.  
554 Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers  
555 Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the  
556 Black Farmers and Agriculturalists Association; and meets the  
557 requirements of this section.

558 5. Upon the registration of 200,000 active qualified  
559 patients in the medical marijuana use registry, the department  
560 shall license five additional medical marijuana treatment  
561 centers that meet the requirements of this section. Thereafter,  
562 the department shall license three medical marijuana treatment  
563 centers upon the registration of each additional 100,000 active  
564 qualified patients in the medical marijuana use registry who  
565 meet the requirements of this section.

566 (b) An applicant for licensure as a medical marijuana  
567 treatment center shall apply to the department on a form  
568 prescribed by the department and adopted in rule. The department  
569 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
570 establishing a procedure for the issuance and biennial renewal  
571 of licenses, including initial application and biennial renewal  
572 fees sufficient to cover the costs of administering this  
573 licensure program. The department shall issue a license to an  
574 applicant if the applicant meets the requirements of this  
575 section and pays the initial application fee. The department

576 shall renew the licensure of a medical marijuana treatment  
577 center biennially if the licensee meets the requirements of this  
578 section and pays the biennial renewal fee. An applicant for  
579 licensure as a medical marijuana treatment center must  
580 demonstrate:

581 1. The technical and technological ability to cultivate  
582 and produce marijuana, including, but not limited to, low-THC  
583 cannabis. The applicant must possess a valid certificate of  
584 registration issued by the Department of Agriculture and  
585 Consumer Services pursuant to s. 581.131 which is issued for the  
586 cultivation of more than 400,000 plants, be operated by a  
587 nurseryman as defined in s. 581.011, and have operated as a  
588 registered nursery in this state for at least 5 continuous  
589 years.

590 2. The ability to secure the premises, resources, and  
591 personnel necessary to operate as a medical marijuana treatment  
592 center.

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

597 4. An infrastructure reasonably located to dispense  
598 marijuana to registered qualified patients statewide or  
599 regionally as determined by the department.

600 5. The financial ability to maintain operations for the

601 duration of the 2-year approval cycle, including the provision  
602 of certified financial statements to the department. Upon  
603 approval, the applicant must post a \$5 million performance bond.  
604 However, a medical marijuana treatment center serving at least  
605 1,000 qualified patients is only required to maintain a \$2  
606 million performance bond.

607 6. That all owners, officers, board members, and managers  
608 have successfully passed a level 2 background screening as  
609 provided under chapter 435, which, in addition to the  
610 disqualifying offenses provided in s. 435.04, shall exclude an  
611 individual that has an arrest awaiting final disposition for,  
612 has been found guilty of, regardless of adjudication, or entered  
613 a plea of nolo contendere or guilty to an offense under chapter  
614 837, chapter 895, or chapter 896 or similar law of another  
615 jurisdiction.

616 7. The employment of a medical director to supervise the  
617 activities of the medical marijuana treatment center.

618 (c) A medical marijuana treatment center may make a  
619 wholesale purchase of marijuana from, or a distribution of  
620 marijuana to, another medical marijuana treatment center.

621 (d) The department shall establish, maintain, and control  
622 a computer software tracking system that traces marijuana from  
623 seed to sale and allows real-time, 24-hour access by the  
624 department to data from all medical marijuana treatment centers  
625 and marijuana testing laboratories. The tracking system must, at

626 a minimum, include notification of when marijuana seeds are  
627 planted, when marijuana plants are harvested and destroyed, and  
628 when marijuana is transported, sold, stolen, diverted, or lost.  
629 Each medical marijuana treatment center shall use the seed-to-  
630 sale tracking system selected by the department.

631 (e) A licensed medical marijuana treatment center must, at  
632 all times, maintain compliance with the criteria demonstrated  
633 and representations made in the initial application and the  
634 criteria established in this subsection. Upon request, the  
635 department may grant a medical marijuana treatment center a  
636 variance from the representations made in the initial  
637 application. Consideration of such a request shall be based upon  
638 the individual facts and circumstances surrounding the request.  
639 A variance may not be granted unless the requesting medical  
640 marijuana treatment center can demonstrate to the department  
641 that it has a proposed alternative to the specific  
642 representation made in its application which fulfills the same  
643 or a similar purpose as the specific representation in a way  
644 that the department can reasonably determine will not be a lower  
645 standard than the specific representation in the application.

646 1. A medical marijuana treatment center, and any  
647 individual or entity who directly or indirectly owns, controls,  
648 or holds with power to vote 25 percent or more of the voting  
649 shares of a medical marijuana treatment center, may not acquire  
650 direct or indirect ownership or control of more than 5 percent

651 of the voting shares or other form of ownership of any other  
652 medical marijuana treatment center.

653 2. All employees of a medical marijuana treatment center  
654 must be 21 years of age or older and have successfully passed a  
655 level 2 background screening as provided under chapter 435,  
656 which, in addition to the disqualifying offenses provided in s.  
657 435.04, shall exclude an individual who has an arrest awaiting  
658 final disposition for, has been found guilty of, regardless of  
659 adjudication, or has entered a plea of nolo contendere or guilty  
660 to an offense under chapter 837, chapter 895, or chapter 896 or  
661 similar law of another jurisdiction.

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

666 4. When growing marijuana, a medical marijuana treatment  
667 center:

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

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

675 c. Must inspect seeds and growing plants for plant pests

676 that endanger or threaten the horticultural and agricultural  
677 interests of the state, notify the Department of Agriculture and  
678 Consumer Services within 10 calendar days after a determination  
679 that a plant is infested or infected by such plant pest, and  
680 implement and maintain phytosanitary policies and procedures.

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

684 5. Each medical marijuana treatment center must produce  
685 and make available for purchase at least one low-THC cannabis  
686 product, which must be available in all forms that a medical  
687 marijuana treatment center produces for other products.

688 6. When processing marijuana, a medical marijuana  
689 treatment center must:

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

692 b. Not use a hydrocarbon based solvent, such as butane,  
693 hexane, or propane, to extract or separate resin from marijuana.

694 c. Test the processed marijuana using a medical marijuana  
695 testing laboratory before it is dispensed. Results must be  
696 verified and signed by two medical marijuana treatment center  
697 employees. Before dispensing, the medical marijuana treatment  
698 center must determine that the test results indicate that low-  
699 THC cannabis meets the definition of low-THC cannabis and that  
700 all marijuana is safe for human consumption and free from

701 contaminants that are unsafe for human consumption. The  
702 Department of Health shall determine by rule which contaminants  
703 must be tested for and the maximum levels of each contaminant  
704 which are safe for human consumption. The medical marijuana  
705 treatment center must retain records of all testing and samples  
706 of each homogenous batch of marijuana for at least 9 months. The  
707 medical marijuana treatment center must contract with a  
708 marijuana testing laboratory to perform audits on the medical  
709 marijuana treatment center's standard operating procedures,  
710 testing records, and samples and provide the results to the  
711 department to confirm that the marijuana or low-THC cannabis  
712 meets the requirements of this section and that the marijuana or  
713 low-THC cannabis is safe for human consumption. A medical  
714 marijuana treatment center shall reserve two processed samples  
715 from each batch and retain such samples for at least 9 months  
716 for the purpose such audits. A medical marijuana treatment  
717 center may use a laboratory that has not been certified by the  
718 department under s. 381.988 until such time as at least one  
719 laboratory holds the required certification, but in no event  
720 later than July 1, 2018.

721 d. Package the marijuana in compliance with the United  
722 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
723 1471 et seq.

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

- 726        (I) The marijuana or low-THC cannabis meets the  
 727 requirements of sub-subparagraph c.
- 728        (II) The name of the medical marijuana treatment center  
 729 from which the marijuana originates.
- 730        (III) The batch number and harvest number from which the  
 731 marijuana originates and the date dispensed.
- 732        (IV) The name of the physician who issued the physician  
 733 certification.
- 734        (V) The name of the patient;
- 735        (VI) The product name, if applicable, and dosage form,  
 736 including concentration of THC and CBD.
- 737        (VII) The recommended dose.
- 738        (VIII) A warning that it is illegal to transfer medical  
 739 marijuana to another person.
- 740        (IX) A marijuana universal symbol developed by the  
 741 department.
- 742        7. The medical marijuana treatment center shall include in  
 743 each package a patient package insert with information on the  
 744 specific product dispensed related to:
- 745        a. Clinical pharmacology.
- 746        b. Indications and use.
- 747        c. Dosage and administration.
- 748        d. Dosage forms and strengths.
- 749        e. Contraindications.
- 750        f. Warnings and precautions.

- 751 g. Adverse reactions.
- 752 8. When dispensing marijuana or a marijuana delivery  
753 device, a medical marijuana treatment center:
- 754 a. May dispense any active, valid order for low-THC  
755 cannabis, medical cannabis and cannabis delivery devices issued  
756 pursuant to former s. 381.986, Florida Statutes 2016, which was  
757 been entered into the medical marijuana use registry before July  
758 1, 2017.
- 759 b. May not dispense more than a 90-day supply of marijuana  
760 to a qualified patient or caregiver.
- 761 c. Must have the medical marijuana treatment center's  
762 employee who dispenses the marijuana or a marijuana delivery  
763 device enter into the medical marijuana use registry his or her  
764 name or unique employee identifier.
- 765 d. Must verify that the qualified patient and the  
766 caregiver, if applicable, both have an active and valid  
767 compassionate use registry identification card and that the  
768 amount and type of marijuana dispensed matches the physician's  
769 certification in the medical marijuana use registry for that  
770 qualified patient.
- 771 e. May not dispense or sell any other type of cannabis,  
772 alcohol, or illicit drug-related product, including pipes,  
773 bongs, or wrapping papers, other than a marijuana delivery  
774 device required for the medical use of marijuana and which is  
775 specified in a physician certification.

776 f. Must verify that the qualified patient has an active  
777 registration in the medical marijuana use registry, the  
778 qualified patient or caregiver holds a valid and active medical  
779 marijuana use registry identification card, the physician  
780 certification presented matches the physician certification  
781 contents as recorded in the registry, and the physician  
782 certification has not already been filled.

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

789 (f) To ensure the safety and security of its premises and  
790 any off-site storage facilities, and to maintain adequate  
791 controls against the diversion, theft, and loss of marijuana or  
792 marijuana delivery devices, a medical marijuana treatment center  
793 shall:

794 1.a. Maintain a fully operational security alarm system  
795 that secures all entry points and perimeter windows and is  
796 equipped with motion detectors; pressure switches; and duress,  
797 panic, and hold-up alarms; or

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

800 (I) Cameras are fixed in a place that allows for the clear

801 identification of persons and activities in controlled areas of  
802 the premises. Controlled areas include grow rooms, processing  
803 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
804 rooms.

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

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

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

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

814 3. Not dispense from its premises marijuana or a marijuana  
815 delivery device between the hours of 9 p.m. and 7 a.m., but may  
816 perform all other operations and deliver marijuana to qualified  
817 patients 24 hours a day.

818 4. Store marijuana in a secured, locked room or a vault.

819 5. Require at least two of its employees, or two employees  
820 of a security agency with whom it contracts, to be on the  
821 premises at all times.

822 6. Require each employee to wear a photo identification  
823 badge at all times while on the premises.

824 7. Require each visitor to wear a visitor pass at all  
825 times while on the premises.

826 8. Implement an alcohol and drug-free workplace policy.

827 9. Report to local law enforcement within 24 hours after  
 828 the treatment center is notified or becomes aware of the theft,  
 829 diversion, or loss of marijuana.

830 (g) If a medical marijuana treatment center uses a banking  
 831 institution, the treatment center must maintain all accounts  
 832 that are directly or indirectly associated with the business of  
 833 the medical marijuana treatment center at a single bank.

834 (h) To ensure the safe transport of marijuana to medical  
 835 marijuana treatment centers, marijuana testing laboratories, or  
 836 qualified patients, a medical marijuana treatment center must:

837 1. Maintain a marijuana transportation manifest in any  
 838 vehicle transporting marijuana. The marijuana transportation  
 839 manifest must be generated from a medical marijuana treatment  
 840 center's seed-to-sale tracking system and include the:

841 a. Departure date and approximate time of departure.

842 b. Name, location address, and license number of the  
 843 originating medical marijuana treatment center.

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

845 d. Quantity and form of any marijuana or marijuana  
 846 delivery device being transported.

847 e. Arrival date and estimated time of arrival.

848 f. Delivery vehicle make and model and license plate  
 849 number.

850 g. Name and signature of the medical marijuana treatment

851 center employees delivering the product.

852 (I) A copy of the marijuana transportation manifest must  
853 be provided to each individual, medical marijuana treatment  
854 center, or marijuana testing laboratory that receives a  
855 delivery. The individual, or a representative of the center or  
856 laboratory, must sign a copy of the marijuana transportation  
857 manifest acknowledging receipt.

858 (II) An individual transporting marijuana must present a  
859 copy of the relevant marijuana transportation manifest and his  
860 or her employee identification card to a law enforcement officer  
861 upon request.

862 (III) Medical marijuana treatment centers and marijuana  
863 testing laboratories must retain copies of all marijuana  
864 transportation manifests for at least 5 years.

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

867 3. Lock marijuana in a separate compartment or container  
868 within the vehicle.

869 4. Require employees to have possession of their employee  
870 identification card at all times when transporting marijuana.

871 5. Require at least two persons to be in a vehicle  
872 transporting marijuana, and require at least one person to  
873 remain in the vehicle while the marijuana is being delivered.

874 6. Provide specific safety and security training to  
875 employees transporting or delivering marijuana.

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

879 1. The dispensing location of a medical marijuana  
880 treatment center may have a sign that is affixed to the outside  
881 or hanging in the window of the premises which identifies the  
882 dispensary by the licensee's business name or by a department-  
883 approved trade name.

884 2. A medical marijuana treatment center may engage in  
885 Internet advertising and marketing under the following  
886 conditions:

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

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

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

893 d. Opt-in marketing must include an easy and permanent  
894 opt-out feature.

895 (j) Each medical marijuana treatment center that dispenses  
896 marijuana and marijuana delivery devices shall make available to  
897 the public on its website:

898 1. Each marijuana and low-THC product available for  
899 purchase, including the form, strain of marijuana from which it  
900 was extracted, CBD content, THC content, dose unit, total number

901 of doses available, and the ratio of CBD to THC for each  
902 product.

903 2. The price for a 30-day supply at a standard dose for  
904 each marijuana and low-THC product available for purchase.

905 3. The price for each marijuana delivery device available  
906 for purchase.

907 4. If applicable, any discount policies and eligibility  
908 criteria for such discounts.

909 (k) Medical marijuana treatment centers are the sole  
910 source from which a qualified patient may legally obtain  
911 marijuana.

912 (l) The department may adopt rules pursuant to ss.  
913 120.536(1) and 120.54 to implement this subsection.

914 (9) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;  
915 ADMINISTRATIVE ACTIONS.—

916 (a) The department shall conduct announced or unannounced  
917 inspections of medical marijuana treatment centers to determine  
918 compliance with this section or rules adopted pursuant to this  
919 section.

920 (b) The department shall inspect a medical marijuana  
921 treatment center upon receiving a complaint or notice that the  
922 medical marijuana treatment center has dispensed marijuana  
923 containing mold, bacteria, or other contaminant that may cause  
924 or has caused an adverse effect to human health or the  
925 environment.

926 (c) The department shall conduct at least a biennial  
927 inspection of each medical marijuana treatment center to  
928 evaluate the medical marijuana treatment center's records,  
929 personnel, equipment, processes, security measures, sanitation  
930 practices, and quality assurance practices.

931 (d) The department may enter into interagency agreements  
932 with the Department of Agriculture and Consumer Services, the  
933 Department of Business and Professional Regulation, the  
934 Department of Transportation, the Department of Highway Safety  
935 and Motor Vehicles, and the Agency for Health Care  
936 Administration, and such agencies are authorized to enter into  
937 an interagency agreement with the department to conduct  
938 inspections or perform other responsibilities assigned to the  
939 department under this section.

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

943 (f) The department may impose reasonable fines not to  
944 exceed \$10,000 on a medical marijuana treatment center for any  
945 of the following violations:

- 946 1. Violating this section or department rule.  
947 2. Failing to maintain qualifications for approval.  
948 3. Endangering the health, safety, or security of a  
949 qualified patient.  
950 4. Improperly disclosing personal and confidential

951 information of the qualified patient.

952 5. Attempting to procure medical marijuana treatment  
953 center approval by bribery, fraudulent misrepresentation, or  
954 extortion.

955 6. Being convicted or found guilty of, or entering a plea  
956 of guilty or nolo contendere to, regardless of adjudication, a  
957 crime in any jurisdiction which directly relates to the business  
958 of a medical marijuana treatment center.

959 7. Making or filing a report or record that the medical  
960 marijuana treatment center knows to be false.

961 8. Willfully failing to maintain a record required by this  
962 section or department rule.

963 9. Willfully impeding or obstructing an employee or agent  
964 of the department in the furtherance of his or her official  
965 duties.

966 10. Engaging in fraud or deceit, negligence, incompetence,  
967 or misconduct in the business practices of a medical marijuana  
968 treatment center.

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

972 12. Having a license or the authority to engage in any  
973 regulated profession, occupation, or business that is related to  
974 the business practices of a medical marijuana treatment center  
975 suspended, revoked, or otherwise acted against by the licensing

976 authority of any jurisdiction, including its agencies or  
 977 subdivisions, for a violation that would constitute a violation  
 978 under Florida law.

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

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

985 (h) The department shall renew the medical marijuana  
 986 treatment center license biennially if the treatment center  
 987 meets the requirements of this section and pays the biennial  
 988 renewal fee.

989 (i) The department may adopt rules pursuant to ss.  
 990 120.536(1) and 120.54 to implement this subsection.

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

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

998 (b) A municipality may determine by ordinance the criteria  
 999 for the number and location of, and other permitting  
 1000 requirements that do not conflict with state law or department

1001 rule for, medical marijuana treatment center dispensing  
1002 facilities located within the boundaries of the municipality. A  
1003 county may determine by ordinance the criteria for the number  
1004 and location of, and other permitting requirements that do not  
1005 conflict with state law or department rule for, all such  
1006 dispensing facilities located within the unincorporated areas of  
1007 that county. However, a medical marijuana treatment center  
1008 dispensing facility may not be located within 500 feet of the  
1009 real property that comprises a public or private elementary  
1010 school, middle school, or secondary school unless the county or  
1011 municipality approves the location as promoting the public  
1012 health, safety, and general welfare of the community under  
1013 proceedings as provided in s. 125.66(4) for counties, and s.  
1014 166.041(3)(c) for municipalities. A municipality or county may  
1015 not enact ordinances determining the location of dispensing  
1016 facilities which are less restrictive than the county's or  
1017 municipality's ordinances determining the location of entities  
1018 licensed to sell alcoholic beverages.

1019 (c) A municipality or county may not charge a medical  
1020 marijuana treatment center a license or permit fee in an amount  
1021 greater than the fee charged by such municipality or county to  
1022 pharmacies.

1023 (11) PENALTIES.—

1024 (a) A qualified physician commits a misdemeanor of the  
1025 first degree, punishable as provided in s. 775.082 or s.

1026 775.083, if the qualified physician orders marijuana for a  
1027 patient without a reasonable belief that the patient is  
1028 suffering from a qualifying medical condition.

1029 (b) A person who fraudulently represents that he or she  
1030 has a qualifying medical condition to a qualified physician for  
1031 the purpose of being issued a physician certification commits a  
1032 misdemeanor of the first degree, punishable as provided in s.  
1033 775.082 or s. 775.083.

1034 (c) A qualified patient's marijuana, and such patient's  
1035 caregiver who administers marijuana, in plain view of or in a  
1036 place open to the general public, in a school bus, a vehicle, an  
1037 aircraft, or a boat, or on the grounds of a school except as  
1038 provided in s. 1006.062, commits a misdemeanor of the first  
1039 degree, punishable as provided in s. 775.082 or s. 775.083.

1040 (d) A qualified patient or caregiver who cultivates  
1041 marijuana or who purchases or acquires marijuana from any person  
1042 or entity other than a medical marijuana treatment center  
1043 violates s. 893.13 and is subject to the penalties provided  
1044 therein.

1045 (e) A qualified patient or caregiver in possession of  
1046 marijuana or a marijuana delivery device who fails or refuses to  
1047 present his or her marijuana use registry identification card  
1048 upon the request of a law enforcement officer commits a  
1049 misdemeanor of the second degree, punishable as provided in s.  
1050 775.082 or s. 775.083.

1051 (f) A caregiver who violates any of the applicable  
1052 provisions of this section or applicable department rules, for  
1053 the first offense, commits a misdemeanor of the second degree,  
1054 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1055 second or subsequent offense, commits a misdemeanor of the first  
1056 degree, punishable as provided in s. 775.082 or s. 775.083.

1057 (g) A qualified physician who issues a physician  
1058 certification for marijuana or a marijuana delivery device and  
1059 receives compensation from a medical marijuana treatment center  
1060 related to the issuance of a physician certification for  
1061 marijuana or a marijuana delivery device is subject to  
1062 disciplinary action under the applicable practice act and s.  
1063 456.072 (1) (n) .

1064 (h) A person transporting marijuana or marijuana delivery  
1065 devices on behalf of a medical marijuana treatment center or  
1066 marijuana testing laboratory who fails or refuses to present a  
1067 transportation manifest upon the request of a law enforcement  
1068 officer commits a misdemeanor of the second degree, punishable  
1069 as provided in s. 775.082 or s. 775.083.

1070 (i) Persons and entities conducting activities authorized  
1071 and governed by this section and s. 381.988 are subject to the  
1072 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1073 (12) UNLICENSED ACTIVITY.—

1074 (a) If the department has probable cause to believe that a  
1075 person or entity that is not registered or licensed with the

1076 department has violated this section, s. 381.988, or any rule  
1077 adopted pursuant to this section, the department may issue and  
1078 deliver to such person or entity a notice to cease and desist  
1079 from such violation. The department also may issue and deliver a  
1080 notice to cease and desist to any person or entity who aids and  
1081 abets such unlicensed activity. The issuance of a notice to  
1082 cease and desist does not constitute agency action for which a  
1083 hearing under s. 120.569 or s. 120.57 may be sought. For the  
1084 purpose of enforcing a cease and desist order, the department  
1085 may file a proceeding in the name of the state seeking issuance  
1086 of an injunction or a writ of mandamus against any person or  
1087 entity who violates any provisions of such order.

1088 (b) In addition to the remedies under paragraph (a), the  
1089 department may impose by citation an administrative penalty not  
1090 to exceed \$5,000 per incident. The citation shall be issued to  
1091 the subject and shall contain the subject's name and any other  
1092 information the department determines to be necessary to  
1093 identify the subject, a brief factual statement, the sections of  
1094 the law allegedly violated, and the penalty imposed. If the  
1095 subject does not dispute the matter in the citation with the  
1096 department within 30 days after the citation is served, the  
1097 citation shall become a final order of the department. The  
1098 department may adopt rules pursuant to ss. 120.536(1) and 120.54  
1099 to implement this section. Each day that the unlicensed activity  
1100 continues after issuance of a notice to cease and desist

1101 constitutes a separate violation. The department shall be  
1102 entitled to recover the costs of investigation and prosecution  
1103 in addition to the fine levied pursuant to the citation. Service  
1104 of a citation may be made by personal service or by mail to the  
1105 subject at the subject's last known address or place of  
1106 practice. If the department is required to seek enforcement of  
1107 the cease and desist or agency order, it shall be entitled to  
1108 collect attorney fees and costs.

1109 (c) In addition to or in lieu of any other administrative  
1110 remedy, the department may seek the imposition of a civil  
1111 penalty through the circuit court for any violation for which  
1112 the department may issue a notice to cease and desist. The civil  
1113 penalty shall be no less than \$5,000 and no more than \$10,000  
1114 for each offense. The court may also award to the prevailing  
1115 party court costs and reasonable attorney fees and, in the event  
1116 the department prevails, may also award reasonable costs of  
1117 investigation and prosecution.

1118 (d) The department must notify local law enforcement of  
1119 such unlicensed activity for a determination of any criminal  
1120 violation of chapter 893.

1121 (13) EXCEPTIONS TO OTHER LAWS.—

1122 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1123 any other provision of law, but subject to the requirements of  
1124 this section, a qualified patient and the qualified patient's  
1125 caregiver may purchase from a medical marijuana treatment center

1126 for the patient's medical use a marijuana delivery device and up  
1127 to the amount of marijuana authorized in the physician  
1128 certification, but may not possess more than a 90-day supply of  
1129 marijuana at any given time and all marijuana purchased must  
1130 remain in its original packaging.

1131 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1132 any other provision of law, but subject to the requirements of  
1133 this section, an approved medical marijuana treatment center and  
1134 its owners, managers, and employees may manufacture, possess,  
1135 sell, deliver, distribute, dispense, and lawfully dispose of  
1136 marijuana or a marijuana delivery device as provided in this  
1137 section, s. 381.988, and by department rule. For purposes of  
1138 this subsection, the terms "manufacture," "possession,"  
1139 "deliver," "distribute," and "dispense" have the same meanings  
1140 as provided in s. 893.02.

1141 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1142 any other provision of law, but subject to the requirements of  
1143 this section, a certified marijuana testing laboratory,  
1144 including an employee of a certified marijuana testing  
1145 laboratory acting within the scope of his or her employment, may  
1146 acquire, possess, test, transport, and lawfully dispose of  
1147 marijuana as provided in this section, s. 381.988, and by  
1148 department rule.

1149 (d) A licensed medical marijuana treatment center and its  
1150 owners, managers, and employees are not subject to licensure or

1151 regulation under chapter 465 or chapter 499 for manufacturing,  
1152 possessing, selling, delivering, distributing, dispensing, or  
1153 lawfully disposing of marijuana or a marijuana delivery device,  
1154 as provided in this section, s. 381.988, and by department rule.

1155 (e) This subsection does not exempt a person from  
1156 prosecution for a criminal offense related to impairment or  
1157 intoxication resulting from the medical use of marijuana or  
1158 relieve a person from any requirement under law to submit to a  
1159 breath, blood, urine, or other test to detect the presence of a  
1160 controlled substance.

1161 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1162 any other provision of law, but subject to the requirements of  
1163 this section and pursuant to policies and procedures established  
1164 pursuant to s. 1006.62(8), school personnel may possess  
1165 marijuana that is obtained for medical use pursuant to this  
1166 section by a student who is a qualified patient.

1167 (14) APPLICABILITY.—This section does not limit the  
1168 ability of an employer to establish, continue, or enforce a  
1169 drug-free workplace program or policy.

1170 Section 3. Paragraph (uu) is added to subsection (1) of  
1171 section 458.331, Florida Statutes, to read:

1172 458.331 Grounds for disciplinary action; action by the  
1173 board and department.—

1174 (1) The following acts constitute grounds for denial of a  
1175 license or disciplinary action, as specified in s. 456.072(2):

1176 (uu) Issuing a physician certification, as defined in s.  
 1177 381.986, in a manner out of compliance with the requirements of  
 1178 that section and rules adopted thereunder.

1179 Section 4. Paragraph (ww) is added to subsection (1) of  
 1180 section 459.015, Florida Statutes, to read:

1181 459.015 Grounds for disciplinary action; action by the  
 1182 board and department.—

1183 (1) The following acts constitute grounds for denial of a  
 1184 license or disciplinary action, as specified in s. 456.072(2):

1185 (ww) Issuing a physician certification, as defined in s.  
 1186 381.986, in a manner not in compliance with the requirements of  
 1187 that section and rules adopted thereunder.

1188 Section 5. Section 381.988, Florida Statutes, is created  
 1189 to read:

1190 381.988 Medical marijuana testing laboratories; marijuana  
 1191 tests conducted by a certified laboratory.—

1192 (1) A person or entity seeking to be a certified marijuana  
 1193 testing laboratory must:

1194 (a) Not be owned or controlled by a medical marijuana  
 1195 treatment center.

1196 (b) Submit a completed application accompanied by an  
 1197 application fee, as established by department rule.

1198 (c) Submit proof of accreditation issued by an  
 1199 accreditation body of the National Environmental Laboratory  
 1200 Accreditation Program.

1201        (d) Require all owners and managers to submit to and pass  
1202 a level 2 background screening pursuant to s. 435.04 and shall  
1203 deny certification if the person or entity has been found guilty  
1204 of, or has entered a plea of guilty or nolo contendere to,  
1205 regardless of adjudication, any offense listed in chapter 837,  
1206 chapter 895, or chapter 896 or similar law of another  
1207 jurisdiction.

1208        (e) Demonstrate to the department the capability of  
1209 meeting the standards for certification required by this  
1210 subsection, and the testing requirements of s. 381.986 and this  
1211 section and rules adopted thereunder.

1212        (2) The department shall adopt rules pursuant to ss.  
1213 120.536(1) and 120.54 establishing a procedure for initial  
1214 certification and biennial renewal, including initial  
1215 application and biennial renewal fees sufficient to cover the  
1216 costs of administering this certification program. The  
1217 department shall renew the certification biennially if the  
1218 laboratory meets the requirements of this section and pays the  
1219 biennial renewal fee.

1220        (3) The department shall adopt rules pursuant to ss.  
1221 120.536(1) and 120.54 establishing the standards for  
1222 certification of marijuana testing laboratories under this  
1223 section. The Department of Agriculture and Consumer Services and  
1224 the Department of Environmental Protection shall assist the  
1225 department in developing the rule, which must include, but is

1226 | not limited to:

1227 |       (a) Security standards.

1228 |       (b) Minimum standards for personnel.

1229 |       (c) Sample collection method and process standards.

1230 |       (d) Proficiency testing.

1231 |       (e) Reporting content, format, and frequency.

1232 |       (f) Onsite inspections.

1233 |       (g) Quality assurance.

1234 |       (h) Any other standard the department deems necessary to

1235 | ensure the health and safety of the public.

1236 |       (4) A marijuana testing laboratory may acquire marijuana

1237 | only from a medical marijuana treatment center. A marijuana

1238 | testing laboratory is prohibited from selling, distributing, or

1239 | transferring marijuana received from a marijuana treatment

1240 | center, except that a marijuana testing laboratory may transfer

1241 | a sample to another marijuana testing laboratory in this state.

1242 |       (5) A marijuana testing laboratory must properly dispose

1243 | of all samples it receives, unless transferred to another

1244 | marijuana testing laboratory, after all necessary tests have

1245 | been conducted and any required period of storage has elapsed,

1246 | as established by department rule.

1247 |       (6) A marijuana testing laboratory shall use the computer

1248 | software tracking system selected by the department under s.

1249 | 381.986.

1250       (7) The following acts constitute grounds for which  
1251 disciplinary action specified in subsection (8) may be taken  
1252 against a certified marijuana testing laboratory:

1253       (a) Permitting unauthorized persons to perform technical  
1254 procedures or issue reports.

1255       (b) Demonstrating incompetence or making consistent errors  
1256 in the performance of testing or erroneous reporting.

1257       (c) Performing a test and rendering a report thereon to a  
1258 person or entity not authorized by law to receive such services.

1259       (d) Failing to file any report required under this section  
1260 or s. 381.986 or the rules adopted thereunder.

1261       (e) Reporting a test result if the test was not performed.

1262       (f) Failing to correct deficiencies within the time  
1263 required by the department.

1264       (g) Violating or aiding and abetting in the violation of  
1265 any provision of s. 381.986 or this section or any rules adopted  
1266 thereunder.

1267       (8) The department may refuse to issue or renew, or may  
1268 suspend or revoke, the certification of a marijuana testing  
1269 laboratory that is found to be in violation of this section or  
1270 any rules adopted hereunder. The department may impose fines for  
1271 violations of this section or rules adopted thereunder, based on  
1272 a schedule adopted in rule. In determining the administrative  
1273 action to be imposed for a violation, the department must  
1274 consider the following factors:

1275           (a) The severity of the violation, including the  
 1276 probability of death or serious harm to the health or safety of  
 1277 any person that may result or has resulted; the severity or  
 1278 potential harm; and the extent to which the provisions of s.  
 1279 381.986 or this section were violated.

1280           (b) The actions taken by the marijuana testing laboratory  
 1281 to correct the violation or to remedy the complaint.

1282           (c) Any previous violation by the marijuana testing  
 1283 laboratory.

1284           (d) The financial benefit to the marijuana testing  
 1285 laboratory of committing or continuing the violation.

1286           (9) The department may adopt rules pursuant to ss.  
 1287 120.536(1) and 120.54 to implement this section.

1288           Section 6. Section 381.989, Florida Statutes, is created  
 1289 to read:

1290           381.989 Public education campaigns.—

1291           (1) DEFINITIONS.—As used in this section, the term:

1292           (a) "Cannabis" has the same meaning as in s. 893.02.

1293           (b) "Department" means the Department of Health.

1294           (c) "Marijuana" has the same meaning as in s. 381.986.

1295           (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND USE  
 1296 PREVENTION CAMPAIGN.—

1297           (a) The department shall implement a statewide cannabis  
 1298 and marijuana education and use prevention campaign to publicize  
 1299 accurate information regarding:

1300        1. The short-term and long-term health effects of cannabis  
1301 and marijuana use, particularly on minors and young adults.

1302        2. The legal requirements for licit use and possession of  
1303 marijuana in this state.

1304        3. Safe use of marijuana, including preventing access by  
1305 persons other than qualified patients as defined in s. 381.986,  
1306 particularly children.

1307        4. Other cannabis-related and marijuana-related education  
1308 determined by the department to be necessary to the public  
1309 health and safety.

1310        (b) The department may use television messaging, radio  
1311 broadcasts, print media, digital strategies, social media, and  
1312 any other form of messaging deemed necessary and appropriate by  
1313 the department to implement the campaign. The department may  
1314 work with school districts, community organizations, and  
1315 businesses and business organizations and other entities to  
1316 provide training and programming.

1317        (c) The department may contract with one or more vendors  
1318 to implement the campaign.

1319        (d) The department shall contract with an independent  
1320 entity to conduct annual evaluations of the campaign. The  
1321 evaluations shall assess the reach and impact of the campaign,  
1322 success in educating the citizens of the state regarding the  
1323 legal parameters for marijuana use, success in preventing  
1324 illicit access by adults and youth, and success in preventing

1325 negative health impacts from the legalization of marijuana. The  
1326 first year of the program, the evaluator shall conduct surveys  
1327 to establish baseline data on youth and adult cannabis use, the  
1328 attitudes of youth and the general public toward cannabis and  
1329 marijuana, and any other data deemed necessary for long-term  
1330 analysis. By January 31 of each year, the department shall  
1331 submit to the Governor, the President of the Senate, and the  
1332 Speaker of the House of Representatives the annual evaluation of  
1333 the campaign.

1334 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—The  
1335 Department of Highway Safety and Motor Vehicles shall implement  
1336 a statewide impaired driving education campaign to raise  
1337 awareness and prevent marijuana-related and cannabis-related  
1338 impaired driving and may contract with one or more vendors to  
1339 implement the campaign. The Department of Highway Safety and  
1340 Motor Vehicles may use television messaging, radio broadcasts,  
1341 print media, digital strategies, social media, and any other  
1342 form of messaging deemed necessary and appropriate by the  
1343 department to implement the campaign.

1344 Section 7. Subsection (1) of section 385.211, Florida  
1345 Statutes, is amended to read:

1346 385.211 Refractory and intractable epilepsy treatment and  
1347 research at recognized medical centers.—

1348 (1) As used in this section, the term "low-THC cannabis"  
1349 means "low-THC cannabis" as defined in s. 381.986 that is

1350 dispensed only from a dispensing organization as defined in  
1351 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1352 treatment center as defined in s. 381.986.

1353 Section 8. Paragraphs (b) through (e) of subsection (2) of  
1354 section 499.0295, Florida Statutes, are redesignated as  
1355 paragraphs (a) through (d), respectively, and present paragraphs  
1356 (a) and (c) of that subsection, and subsection (3) of that  
1357 section are amended to read:

1358 499.0295 Experimental treatments for terminal conditions.—

1359 (2) As used in this section, the term:

1360 ~~(a) "Dispensing organization" means an organization~~  
1361 ~~approved by the Department of Health under s. 381.986(5) to~~  
1362 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
1363 ~~medical cannabis, and cannabis delivery devices.~~

1364 (b)(e) "Investigational drug, biological product, or  
1365 device" means:

1366 ~~1.~~ a drug, biological product, or device that has  
1367 successfully completed phase 1 of a clinical trial but has not  
1368 been approved for general use by the United States Food and Drug  
1369 Administration and remains under investigation in a clinical  
1370 trial approved by the United States Food and Drug  
1371 Administration; ~~or~~

1372 ~~2. Medical cannabis that is manufactured and sold by a~~  
1373 ~~dispensing organization.~~

1374 (3) Upon the request of an eligible patient, a

1375 manufacturer may, ~~or upon a physician's order pursuant to s.~~  
 1376 ~~381.986, a dispensing organization may:~~

1377 (a) Make its investigational drug, biological product, or  
 1378 device available under this section.

1379 (b) Provide an investigational drug, biological product,  
 1380 or device, ~~or cannabis delivery device as defined in s. 381.986~~  
 1381 to an eligible patient without receiving compensation.

1382 (c) Require an eligible patient to pay the costs of, or  
 1383 the costs associated with, the manufacture of the  
 1384 investigational drug, biological product, or device, ~~or cannabis~~  
 1385 ~~delivery device as defined in s. 381.986.~~

1386 Section 9. Subsection (3) of section 893.02, Florida  
 1387 Statutes, is amended to read:

1388 893.02 Definitions.—The following words and phrases as  
 1389 used in this chapter shall have the following meanings, unless  
 1390 the context otherwise requires:

1391 (3) "Cannabis" means all parts of any plant of the genus  
 1392 Cannabis, whether growing or not; the seeds thereof; the resin  
 1393 extracted from any part of the plant; and every compound,  
 1394 manufacture, salt, derivative, mixture, or preparation of the  
 1395 plant or its seeds or resin. The term does not include  
 1396 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if  
 1397 manufactured, possessed, sold, purchased, delivered,  
 1398 distributed, or dispensed, in conformance with s. 381.986.

1399 Section 10. Subsection (1) of section 1004.441, Florida

1400 Statutes, is amended to read:

1401 1004.441 Refractory and intractable epilepsy treatment and  
 1402 research.—

1403 (1) As used in this section, the term "low-THC cannabis"  
 1404 means "low-THC cannabis" as defined in s. 381.986 that is  
 1405 dispensed only from a dispensing organization as defined in  
 1406 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
 1407 treatment center as defined in s. 381.986.

1408 Section 11. Subsection (8) is added to section 1006.062,  
 1409 Florida Statutes, to read:

1410 1006.062 Administration of medication and provision of  
 1411 medical services by district school board personnel.—

1412 (8) Each district school board shall adopt a policy and a  
 1413 procedure for allowing a student who is a qualified patient, as  
 1414 defined in s. 381.986, to use marijuana obtained pursuant to  
 1415 that section. Such policy and procedure shall ensure access by  
 1416 the qualified patient; identify how the marijuana will be  
 1417 received, accounted for, and stored; and establish processes to  
 1418 prevent access by other students and school personnel  
 1419 unnecessary to the implementation of the policy.

1420 Section 12. Department of Health; authority to adopt  
 1421 rules; cause of action.—

1422 (1) EMERGENCY RULEMAKING.—

1423 (a) The Department of Health and the applicable boards  
 1424 shall adopt emergency rules pursuant to s. 120.54(4), Florida

1425 Statutes, and this subsection necessary to implement ss. 381.986  
1426 and 381.988, Florida Statutes. If an emergency rule adopted  
1427 under this subsection is held to be unconstitutional or an  
1428 invalid exercise of delegated legislative authority, and becomes  
1429 void, the department or the applicable boards may adopt an  
1430 emergency rule to replace the rule that has become void. If the  
1431 emergency rule adopted to replace the void emergency rule is  
1432 also held to be unconstitutional or an invalid exercise of  
1433 delegated legislative authority and becomes void, the department  
1434 and the applicable boards must follow the nonemergency  
1435 rulemaking procedures of the Administrative Procedures Act to  
1436 replace the rule that has become void.

1437 (b) For emergency rules adopted under this section, the  
1438 department and the applicable boards need not make the findings  
1439 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
1440 adopted under this section are exempt from ss. 120.54(3)(b) and  
1441 120.541, Florida Statutes. The department and the applicable  
1442 boards shall meet the procedural requirements in s. 120.54(a),  
1443 Florida Statutes, if the department or the applicable boards  
1444 have, prior to the effective date of this act, held any public  
1445 workshops or hearings on the subject matter of the emergency  
1446 rules adopted under this subsection. Challenges to emergency  
1447 rules adopted under this subsection shall be subject to the time  
1448 schedules provided in s. 120.56(5), Florida Statutes.

1449 (c) Emergency rules adopted under this section are exempt

1450 from s. 120.54(4)(c), Florida Statutes, and shall remain in  
1451 effect until replaced by rules adopted under the nonemergency  
1452 rulemaking procedures of the Administrative Procedures Act. By  
1453 January 1, 2018, the department and the applicable boards shall  
1454 initiate nonemergency rulemaking pursuant to the Administrative  
1455 Procedures Act to replace all emergency rules adopted under this  
1456 subsection by publishing a notice of rule development in the  
1457 Florida Administrative Register. Except as provided in paragraph  
1458 (a), after January 1, 2018, the department and applicable boards  
1459 may not adopt rules pursuant to the emergency rulemaking  
1460 procedures provided in this subsection.

1461 (2) CAUSE OF ACTION.—

1462 (a) As used in s. 29(d)(3), Art X, of the State  
1463 Constitution, the term:

1464 1. "Issue regulations" means the filing by the department  
1465 of a rule or emergency rule for adoption with the Department of  
1466 State.

1467 2. "Judicial relief" means an action for declaratory  
1468 judgment pursuant to chapter 86, Florida Statutes.

1469 (b) The venue for actions brought against the department  
1470 pursuant to s. 29(d)(3), Art X, of the State Constitution shall  
1471 be in the circuit court in and for Leon County.

1472 (c) If the department is not issuing patient and caregiver  
1473 identification cards or licensing medical marijuana treatment  
1474 centers by October 3, 2016, the following shall be a defense to

1475 a cause of action brought under s. 29(d)(3), Art X, of the State  
1476 Constitution:

1477 1. The department is unable to issue patient and caregiver  
1478 identification cards or license medical marijuana treatment  
1479 centers due to litigation challenging a rule as an invalid  
1480 exercise of delegated legislative authority or unconstitutional.

1481 2. The department is unable to issue patient or caregiver  
1482 identification cards or license medical marijuana treatment  
1483 centers due to a rule being held as an invalid exercise of  
1484 delegated legislative authority or unconstitutional.

1485 Section 13. (1) For the 2017-2018 fiscal year, 55 full-  
1486 time equivalent positions, with associated salary rate of  
1487 2,198,860, are authorized and the sums of \$3.5 million in  
1488 nonrecurring funds from the General Revenue Fund and \$4,055,292  
1489 in recurring funds and \$1,238,148 in nonrecurring funds from the  
1490 Medical Quality Assurance Trust Fund are appropriated to the  
1491 Department of Health for the purpose of implementing this act.  
1492 Of the funds appropriated, \$3,158,572 in recurring funds and  
1493 \$1,238,148 in nonrecurring funds from the Medical Quality  
1494 Assurance Trust Fund and 27 full-time equivalent positions shall  
1495 be placed in reserve. The Department of Health is authorized to  
1496 submit budget amendments requesting the release of funds being  
1497 held in reserve pursuant to chapter 216, Florida Statutes,  
1498 contingent upon need and demonstration of fee collections to  
1499 support the budget authority.

1500       (2) For the 2017-2018 fiscal year, the sum of \$10 million  
1501 in nonrecurring funds from the General Revenue Fund is  
1502 appropriated to the Department of Health to implement the  
1503 statewide cannabis and marijuana education and use prevention  
1504 campaign established under s. 381.989, Florida Statutes.

1505       (3) For the 2017-2018 fiscal year, the sum of \$5 million  
1506 in nonrecurring funds from the Highway Safety Operating Trust  
1507 Fund are appropriated to the Department of Highway Safety and  
1508 Motor Vehicles to implement the statewide impaired driving  
1509 education campaign established under s. 381.989, Florida  
1510 Statutes.

1511       (4) For the 2017-2018 fiscal year, the sum of \$1 million  
1512 in nonrecurring funds from the General Revenue Fund is  
1513 appropriated to the University Of Florida College Of Pharmacy to  
1514 implement the requirements of s. 381.986(4)(a)8., Florida  
1515 Statutes.

1516       (5) For the 2017-2018 fiscal year, the sum of \$100,000 in  
1517 recurring funds from the Highway Safety Operating Trust Fund is  
1518 appropriated to the Department of Highway Safety and Motor  
1519 Vehicles for the purpose of training additional law enforcement  
1520 officers as drug recognition experts.

1521       Section 14. This act shall take effect upon becoming a  
1522 law.