Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 381.986, Florida Statutes, is repealed.
Section 2. Section 381.99, Florida Statutes, is created to read:

381.99 Short title.—Sections 381.99-381.9981 may be cited as the “Putting Florida Patients First Act.”
Section 3. Section 381.991, Florida Statutes, is created to read:
381.991 Definitions.—As used in ss. 381.99-381.9981, the term:

(1) “Allowed amount of marijuana” means the amount of marijuana, or the equivalent amount of marijuana products, which a physician determines is necessary to treat a qualifying patient’s debilitating medical condition.

(2) “Batch” means a specifically identified quantity of marijuana or medical marijuana product that is uniform in strain; cultivated using the same herbicides, pesticides, and fungicides; and harvested from or produced at the same time at a single permitted facility.

(3) “Caregiver” has the same meaning as provided in s. 29, Art. X, of the State Constitution.

(4) “Cultivation” means the growth and harvesting of marijuana.

(5) “Cultivation license” means a license issued to a medical marijuana treatment center (MMTC) which grants authority to the MMTC to cultivate marijuana.

(6) “Debilitating medical condition” means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis, paraplegia, quadriplegia, a terminal condition, or other debilitating medical conditions of the same kind or class as, or comparable to, those enumerated and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks of that use to a patient.

(7) “Department” means the Department of Health.
(8) “Dispense” means the transfer or sale of marijuana from an MMTC to a qualifying patient or to the qualifying patient’s caregiver and may include the delivery of such marijuana transferred or sold.

(9) “Independent testing laboratory” means a laboratory, and the managers, employees, and contractors of the laboratory, which does not have a direct or indirect interest in, and is not owned by or affiliated with, an MMTC.

(10) “Marijuana” has the same meaning as provided in s. 29, Art. X of the State Constitution but is limited to that intended for medical use.

(11) “Medical marijuana patient registry” means an online electronic registry created and maintained by the department to store identifying information for all qualifying patients, caregivers, and physicians who submit physician certification forms to the department.

(12) “Medical marijuana patient registry identification card” means a card issued by the department to qualifying patients and caregivers.

(13) “Medical marijuana product” means a product derived from marijuana, including, but not limited to, an oil, tincture, cream, encapsulation, or food product containing marijuana or any part of the marijuana plant, which is intended for medical use.

(14) “Medical marijuana treatment center” or “MMTC” has the same meaning as provided in s. 29, Art. X of the State Constitution.

(15) “Medical use” has the same meaning as provided in s. 29, Art. X of the State Constitution.
“(16) “Minor” means a person who is younger than 18 years of age.

(17) “Physician” means a physician who is licensed under chapter 458 or chapter 459 and who meets the requirements of s. 381.993.

(18) “Principal” means an officer, a director, a billing agent, or a managing employee of an MMTC, or a person or shareholder who has an ownership interest equal to 5 percent or more of an MMTC.

(19) “Process or processing” means the conversion of marijuana into medical marijuana products for a qualifying patient’s use.

(20) “Processing license” means a license issued by the department to an MMTC which grants the MMTC the authority to process marijuana.

(21) “Qualifying patient” has the same meaning as provided in s. 29, Art. X of the State Constitution.

(22) “Retail license” means a license issued by the department to an MMTC which authorizes the MMTC to dispense marijuana and medical marijuana products and to sell related paraphernalia to qualifying patients and caregivers.

(23) “Transportation license” means a license issued by the department to an MMTC which authorizes the MMTC to transport marijuana and medical marijuana products.

Section 4. Section 381.992, Florida Statutes, is created to read:

381.992 Medical marijuana.—

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99-
381.9981, a qualifying patient, or his or her caregiver, may purchase or acquire from an MMTC and possess up to the allowed amount of marijuana, medical marijuana products, and associated paraphernalia for the qualifying patient’s medical use.

(2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99–381.9981, an MMTC, including its employees and contractors, may acquire, cultivate, possess, process, transfer, transport, sell, distribute, dispense, or administer marijuana. MMTCs may:

(a) Cultivate marijuana only at a cultivation facility;
(b) Process marijuana only at a processing facility;
(c) Sell and distribute marijuana and medical marijuana products only to other MMTCs;
(d) Purchase or acquire marijuana and medical marijuana products only from other MMTCs or qualifying patients, caregivers, or personal representatives who are returning unused marijuana or medical marijuana products;
(e) Dispense marijuana, medical marijuana products, or associated paraphernalia only to qualifying patients and caregivers and only from a permitted facility operated by an MMTC holding a retail license;
(f) Deliver marijuana and medical marijuana products to qualifying patients and caregivers; and
(g) Transport marijuana, medical marijuana products, and associated paraphernalia as necessary for the proper conduct of its business in accordance with the requirements of ss. 381.99–381.9981, including transportation between multiple MMTCs.

(3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99–
381.9981, an independent testing laboratory, including its employees and contractors, may receive and possess marijuana for the sole purpose of testing the marijuana for compliance with ss. 381.99-381.9981.

(4) This section does not authorize:

(a) The cultivation of marijuana by any person or entity other than an MMTC holding a cultivation license, or subcontracted entities operating under the license of an MMTC.

(b) The acquisition or purchase of marijuana or medical marijuana products by a qualifying patient or caregiver from any person or entity other than an MMTC holding a retail license.

(c) The use of marijuana or medical marijuana products by anyone other than the qualifying patient for whom the marijuana was certified.

(d) The dispensing of marijuana or medical marijuana products to anyone other than a qualifying patient or caregiver.

(e) The transfer of marijuana or medical marijuana products by a qualifying patient or caregiver to any entity except for the purpose of returning unused marijuana or medical marijuana products to an MMTC.

(f) The use of marijuana or medical marijuana products:

1. On any form of public transportation;
2. In a public place, as defined in s. 877.21; or
3. In a qualifying patient’s place of work, if restricted by his or her employer.

(g) The possession or use of marijuana or medical marijuana products:

1. In a correctional facility, unless approved by the warden or administrator of the facility, administered under
medical supervision, and administered and stored in a restricted area inaccessible to inmates other than the qualifying patient.

2. On the grounds of a preschool, primary school, or secondary school, unless authorized by the superintendent.

3. On a school bus.

(5) This section does not exempt any person from the prohibition against driving under the influence as provided under s. 316.193.

(6) Except for s. 386.2045, part II of chapter 386 applies to the smoking of marijuana or medical marijuana products. The department may by rule restrict the smoking of marijuana or medical marijuana products in any facility licensed by this state that provides care or services to children or frail or elderly adults.

Section 5. Section 381.993, Florida Statutes, is created to read:

381.993 Physician certification; patient and caregiver registration; medical marijuana patient registry identification cards; issuance and renewal of physician certification.—

(1) PHYSICIAN CERTIFICATION.—Before a patient may register with the department and obtain a medical marijuana patient registry identification card, the patient must be certified by a physician, using a physician certification form provided by the department, to be suffering from a debilitating medical condition. The physician must also certify that the benefits to the patient of the medical use of marijuana would likely outweigh the potential health risks. The physician certification must specify the allowed amount of marijuana or medical marijuana products necessary, if such allowed amount is
determined, to treat the patient’s condition or symptom. A certifying physician must submit the physician certification form to the department by United States mail or electronically, through the department’s website.

(a) A physician may certify a patient to the department as a patient if:

1. The physician, in his or her good faith medical judgment, certifies that the patient suffers from one or more debilitating medical conditions;

2. The physician does not have a financial interest in an MMTC or in an independent testing laboratory that conducts tests of marijuana or medical marijuana products; and

3. The physician has successfully completed an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association, as appropriate, which encompasses clinical indications for the appropriate medical use of marijuana, appropriate delivery mechanisms, contraindications of the medical use of marijuana, and relevant state and federal laws governing the ordering, dispensing, and possession of marijuana. The appropriate boards shall offer the course and examination at least annually. Successful completion of the course may be used by the physician to satisfy 8 hours of the continuing medical education requirements imposed by his or her respective board for licensure renewal. The course may be offered in a distance learning format.

(b) If the patient subject to the certification is a minor, the patient’s parent or legal guardian must also provide to the physician written consent for the patient’s treatment with
marijuana before the physician may submit the physician certification form to the department.

(c) Unless the certifying physician certifies a patient to use marijuana for less than 1 year, the patient’s physician certification expires when the patient’s medical marijuana patient registry identification card expires.

(2) PATIENT AND CAREGIVER REGISTRATION.—A patient must register with the department and be issued a medical marijuana patient registry identification card before acquiring or using marijuana or medical marijuana products.

(a) To register, a patient must submit the following to the department:

1. A completed patient and caregiver registration form, provided by the department. If the patient is a minor, a parent or legal guardian of the minor must provide his or her written consent on the patient and caregiver registration form for the minor patient’s use of marijuana or medical marijuana products. Without the written consent of a parent or legal guardian, a minor patient may not be registered and may not obtain a medical marijuana patient registry identification card; and

2. Separate passport-type, color photographs, taken within 90 days before submission to the department, of the patient and of each of the patient’s caregivers, if any.

(b) An adult qualifying patient may, at his or her initial registration or at any time while a qualifying patient, designate a caregiver. The adult qualifying patient may also designate up to two additional caregivers to assist him or her with the medical use of marijuana, who may be selected from among the patient’s spouse, parents, legal guardians, adult
children, siblings, or the employees of the assisted living facility or other health care facility where the qualifying patient resides. A caregiver must meet the following requirements:

1. Be at least 18 years of age;
2. Complete a 2-hour medical marijuana caregiver training course offered by the department; and
3. Have passed a level 2 background screening pursuant to chapter 435 within the previous year. The following persons are exempt from this subparagraph:

a. The qualifying patient’s spouse, parents, legal guardian, adult children, or siblings; and
b. A health care worker who is subject to s. 408.809, who is caring only for the qualifying patient and other patients who reside in the same assisted living facility, nursing home, or other such facility, and who is an employee of that facility.

(c) A caregiver may not assist more than one qualifying patient at any given time unless all of his or her qualifying patients:

1. Are the parents, legal guardians, or adult children of the caregiver or are siblings having a common parent or legal guardian with each other and the caregiver. This exception also applies to an adult for whom the caregiver is a legal guardian;
2. Are first-degree relatives of each other who share a common residence; or
3. Reside in the same assisted living facility, nursing home, or other such facility and the caregiver is an employee of that facility.

(d) When registering a minor patient, the department shall
designate the parent or legal guardian who provided his or her written consent on the patient and caregiver registration form as the minor patient’s caregiver, unless the department determines that person to be unqualified, unavailable, or unwilling to be the caregiver. In that instance, the department shall designate another parent or legal guardian of the minor patient as his or her caregiver. A minor patient may not purchase or acquire marijuana or medical marijuana products. The caregiver of a minor patient is responsible for all marijuana and medical marijuana products purchased, acquired, or possessed for the minor patient.

(e) If the department determines that, for any reason, a caregiver designated by a qualifying patient may not assist that qualifying patient, the department must notify the qualifying patient that the caregiver’s registration is disallowed.

(3) DEPARTMENT RESPONSIBILITIES.—
(a) By November 1, 2017, the department shall create:
1. A physician certification form and a patient and caregiver registration form and make the forms available to the public. The forms must contain space and fields sufficient to allow the submission of the information required to be included in the file of a qualifying patient and the files of the qualifying patient’s caregiver and certifying physicians maintained in the medical marijuana patient registry pursuant to s. 381.994(1). In addition, the patient and caregiver registration form must require the parent or legal guardian of a minor patient to provide written consent for the minor patient to use marijuana or medical marijuana products; and
2. A 2-hour medical marijuana caregiver training course.
The course must be available online and for the public to attend at permitted facilities operated by an MMTC holding a retail license. The training course must include, at a minimum, routes of administration, details on possible side effects of and adverse reactions to marijuana and medical marijuana products, and patient and caregiver restrictions and responsibilities under this act and department rule.

(b) Beginning as soon as practicable, but not later than December 3, 2017, the department shall, within 14 days after a patient submits the documentation required in paragraph (2)(a) to register with the department and a physician submits a physician certification form for that patient to the department:

1. Register the qualifying patient, his or her caregiver, and the certifying physician in the medical marijuana patient registry and enter the information required under s. 381.994(1) in the patient’s, caregiver’s, and certifying physician’s registry files. The department shall enter the allowed amount of marijuana recommended by the qualifying patient’s physician and the length of time for which the physician recommends the patient medically use marijuana, as recorded on the physician certification form, if applicable; and

2. Issue medical marijuana patient registry identification cards to the qualifying patient and, if applicable, to the qualifying patient’s caregiver.

(c) A medical marijuana patient registry identification card issued to a qualifying patient must be resistant to counterfeiting and must include, but need not be limited to, the following information:

1. The qualifying patient’s full legal name;
2. The qualifying patient’s photograph, submitted as required under paragraph (2)(a);

3. A randomly assigned identification number;

4. The qualifying patient’s allowed amount of marijuana;

5. If applicable, the full legal name and corresponding medical marijuana patient registry identification card number for each of the qualifying patient’s caregivers, if any; and

6. The expiration date of the card.

(d) A medical marijuana patient registry identification card issued to a caregiver must be resistant to counterfeiting and must include, but need not be limited to, the following information:

1. The caregiver’s full legal name;

2. The caregiver’s photograph, submitted as required under paragraph (2)(a);

3. A randomly assigned identification number;

4. The expiration date of the card; and

5. If the caregiver is assisting three or fewer qualifying patients, the full legal name, medical marijuana patient registry identification card number, and the allowed amount of marijuana for each of the caregiver’s qualifying patients; or

6. If the caregiver is assisting four or more qualifying patients, a statement that the caregiver is assisting multiple patients.

(e) A person who is a caregiver for more than one qualifying patient must have a separate medical marijuana patient registry identification card linked to each qualifying patient for whom he or she is a caregiver.

(f) The department may contract with independent third
parties, through competitive procurement, to fulfil the
requirements of this paragraph.

(4) EXPIRATION AND RENEWAL OF PATIENT AND CAREGIVER
REGISTRATION AND REGISTRY IDENTIFICATION CARDS.— Unless the
certifying physician certifies a patient to use marijuana for
less than 1 year, a qualifying patient’s, and, if applicable,
his or her caregiver’s registration with the department under
subsection (2) and their medical marijuana patient registry
identification cards expire 1 year after the date the qualifying
patient’s medical marijuana patient registry identification card
is issued under subparagraph (3)(b)2. In order to renew the
registration and the medical marijuana patient registry
identification cards of the qualifying patient and his or her
caregiver, a physician must certify to the department:

(a) That he or she has examined the patient during the
course of the patient’s treatment with marijuana;

(b) That the patient suffers from a debilitating medical
condition;

(c) That the medical use of marijuana would likely outweigh
the potential health risks for the patient;

(d) The allowed amount of marijuana, if the physician has
determined a specified amount is necessary to treat the patient;
and

(e) The length of time the physician recommends the patient
medically use marijuana.

If the qualifying patient is a minor, a parent or legal guardian
of the qualifying patient must indicate in writing his or her
continued consent for the qualifying minor patient’s treatment
using marijuana.

(5) PATIENT AND CAREGIVER DISQUALIFICATION.—

(a) If the department becomes aware of information that would disqualify a qualifying patient or caregiver from being registered with the department under this section, the department must notify the qualifying patient or caregiver, as applicable, of the change in his or her status as follows:

1. For a qualifying patient, at least 30 days before removing the patient from the medical marijuana patient registry, the department shall give notice of such action to the qualifying patient at the address in the registry. It is the patient’s duty to ensure the return of all marijuana and medical marijuana products and his or her medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 30 days after receiving the notice. Such retail facility must notify the department within 24 hours after it has received a return of marijuana, medical marijuana products, or a medical marijuana patient registry identification card. The retail facility may provide such notice electronically.

2. For a caregiver, at least 15 days before removing the caregiver from the medical marijuana patient registry, the department shall give notice of such action to the caregiver and the caregiver’s qualifying patient. It is the caregiver’s duty to ensure the return of his or her medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 15 days after receiving the notice. Such retail facility must notify the department within 24 hours after it has received such a return. The retail
(b) If a qualifying patient dies, it is the duty of the qualifying patient’s caregiver or the qualifying patient’s personal representative to ensure the return of all marijuana and medical marijuana products and the qualifying patient’s medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 30 days after the patient’s death. Within 30 days after the qualifying patient’s death, the qualifying patient’s caregiver must return his or her medical marijuana patient registry identification card linked to the deceased patient to such a retail facility. If a caregiver dies, it is the duty of the qualifying patient or the caregiver’s next of kin to ensure the return of the caregiver’s medical marijuana patient registry identification card to such a retail facility within 30 days after the caregiver’s death. When receiving the medical marijuana patient registry identification card of a deceased qualifying patient, the caregiver of a deceased patient, or a deceased caregiver, such retail facility must update the medical marijuana patient registry to note the death of the deceased and notify the department of the return of the medical marijuana patient registry identification cards. The retail facility may provide such notice electronically.

(c) The department shall, on a quarterly basis, compare all of the qualifying patients and caregivers in the medical marijuana patient registry with the records of deaths on file in its electronic death registration system in order to identify any qualifying patient or caregiver who is deceased but is not yet identified as such in the registry. If the department
becomes aware that a qualifying patient or caregiver is deceased, the department must send notice to the appropriate party of his or her duties under paragraph (b) and adjust the qualifying patient’s or caregiver’s file in the medical marijuana patient registry.

(d) If, after a qualifying patient or caregiver is disqualified or deceased or a qualifying patient’s or caregiver’s registration has expired, the department becomes aware that the qualifying patient’s or caregiver’s medical marijuana patient registry identification card has not been returned to a permitted facility operated by an MMTC holding a retail license, the department must send a second notice to the qualifying patient or caregiver and notify the local police department or sheriff’s office of the expired or cancelled medical marijuana patient registry identification card.

(e) The department may adopt rules as necessary to implement a process for an MMTC holding a retail license to accept and dispose of returned marijuana or medical marijuana products and patient and caregiver medical marijuana patient registry identification cards.

Section 6. Section 381.994, Florida Statutes, is created to read:

381.994 Medical marijuana patient registry.—

(1) The department shall create a secure, online medical marijuana patient registry that contains a file for each qualifying patient and caregiver and for each certifying physician. The department is authorized to contract with third parties to implement the requirements of this section.

(a) The file for a qualifying patient must include, but
need not be limited to:

1. The qualifying patient’s full legal name;
2. The qualifying patient’s photograph, submitted as required under s. 381.993(2)(a);
3. The randomly assigned identification number on the qualifying patient’s medical marijuana patient registry identification card;
4. The qualifying patient’s allowed amount of marijuana;
5. The full legal name and corresponding identification number of the medical marijuana patient registry identification card of each of the qualifying patient’s caregivers, if any;
6. The recommended duration for the medical use of marijuana as stated on the patient’s physician recommendation;
7. The expiration date of the qualifying patient’s medical marijuana patient registry identification card; and
8. The date and time that marijuana or medical marijuana products are dispensed and the amount of marijuana or medical marijuana products dispensed, for each of the qualifying patient’s transactions with an MMTC holding a retail license.

(b) The file for a caregiver must include, but need not be limited to:

1. The caregiver’s full legal name;
2. The caregiver’s photograph, submitted as required under s. 381.993(2)(a);
3. The randomly assigned identification number on each of the caregiver’s medical marijuana patient registry identification cards;
4. The full legal names and identification numbers on the medical marijuana patient registry identification cards of the
qualifying patients who have designated the caregiver, each
patient linked to the caregiver’s medical marijuana patient
registry identification card number for that patient;
5. The allowed amount of marijuana, if applicable, as
entered in the qualifying patient’s file in the medical
marijuana patient registry, for each qualifying patient to whom
the caregiver’s cards are linked;
6. The expiration dates of the caregiver’s medical
marijuana patient registry identification cards; and
7. The date and time that marijuana or medical marijuana
products are dispensed and the amount of marijuana or medical
marijuana products dispensed, for each of the registered
caregiver’s transactions with an MMTC holding a retail license.
(c) The file for a certifying physician must include, but
need not be limited to:
1. The certifying physician’s full legal name; and
2. The certifying physician’s license number.
(2) The medical marijuana patient registry must meet all of
the following criteria:
(a) Be accessible to MMTCs holding a retail license to
verify the authenticity of a medical marijuana patient registry
identification card, to verify a qualifying patient’s allowed
amount of marijuana and medical marijuana products, and to
determine the prior dates and times when marijuana was dispensed
to the qualifying patient or the qualifying patient’s caregiver
and the amount dispensed on each occasion.
(b) Be able to accept in real time an original or a new
physician certification form from a certifying physician which
includes an original or updated physician recommendation for a
qualifying patient’s allowed amount of marijuana.

(c) Be accessible to law enforcement in real time in order to verify authorization for the possession of marijuana by a qualifying patient or caregiver.

(d) Be able to accept and post initial and updated information to each qualifying patient’s or caregiver’s file from an MMTC holding a retail license which shows the date, time, and amount of marijuana dispensed to that qualifying patient or caregiver at the point of sale.

Section 7. Section 381.995, Florida Statutes, is created to read:

381.995 Medical Marijuana Treatment Centers.—

(1) DEPARTMENT RESPONSIBILITIES.—The department shall establish operating standards for the cultivation, processing, packaging, and labeling of marijuana; standards for the sale of marijuana; procedures and requirements for the registration and registration renewal of MMTCs, for the issuance and renewal of cultivation, processing, transportation, and retail licenses, and for the issuance and renewal of cultivation facility, processing facility, transportation, and retail facility permits; procedures for registering all principals, employees, and contractors of MMTCs who will participate in the operations of the MMTC; and procedures for issuing MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

(2) MMTC REGISTRATION.—

(a) The department shall charge a registration fee upon initial registration of an MMTC not to exceed $1,000 and a renewal fee upon the renewal of an MMTC’s registration not to
exceed $500. The department shall develop a registration form for registration which, at a minimum, must require the applicant to indicate:

1. The full legal name of the applicant;
2. The physical address of each location where marijuana will be cultivated, processed, dispensed, or stored, as applicable to the indicated function of the applicant;
3. The name, address, and date of birth of each of the applicant’s principals;
4. The name, address, and date of birth of each of the applicant’s current employees and contractors who will participate in the operations of the MMTC; and
5. The marijuana production functions in which the applicant intends to engage, which may include one or more of the following:
   a. Cultivation;
   b. Processing;
   c. Dispensing; and
   d. Transporting.

(b) By October 3, 2017, the department shall begin registering MMTCs that have submitted completed applications for registration. To be registered as an MMTC, an applicant must submit to the department:

1. A completed registration form;
2. The initial registration fee;
3. Registration and MMTC employee identification card applications for all principals, employees, and contractors who will participate in the operations of the MMTC;
4. Proof that all principals who will not participate in
the operations of the MMTC have passed a level 2 background
screening pursuant to chapter 435 within the previous year;
5. Proof of the financial ability to maintain operations
for the duration of the registration; and
6. A $1 million performance and compliance bond, to be
forfeited if the MMTC fails to comply with the registration
requirements of this subsection during the registration period
or fails to comply with the material requirements of this
section that are applicable to the functions the applicant
intends to perform as indicated on the registration application.

Registration as an MMTC may not be granted until all principals,
employees, and contractors who will participate in the
operations of the MMTC have registered with the department and
have been issued MMTC employee identification cards.

(c) An MMTC registration lasts for a period of 2 years and
must be renewed by the MMTC before the registration’s expiration
in a manner consistent with department rule for the renewal of
MMTC registrations.

(d) MMTCs may not cultivate, process, dispense, or
transport marijuana or medical marijuana products without first
obtaining the corresponding license for that function from the
department as required in this section.

(e) The department shall develop rules administering the
use of a seed-to-sale real time tracking system for medical
marijuana products. An MMTC may not be registered unless it
demonstrates the capability of complying with the requirements
of the seed-to-sale tracking system. The department may contract
with a third party to develop or administer the seed-to-sale
(3) LICENSE AND PERMIT APPLICATION AND RENEWAL FEES.—

(a) The department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000 for a cultivation license.

(b) For a processing license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000.

(c) For a retail license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $10,000, and a biennial renewal fee not to exceed $10,000.

(d) For a transportation license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $10,000, and a biennial renewal fee not to exceed $10,000.

(e) For each facility permit issued, the department may charge an initial permitting fee not to exceed $5,000 and a biennial renewal fee not to exceed $5,000.

(4) CULTIVATION AND PROCESSING LICENSES.—The department shall begin issuing cultivation licenses and processing licenses by October 3, 2017.

(a) An MMTC may apply for a cultivation license, a processing license, or both. When applying, the MMTC must provide the department, at a minimum, with all of the following:

1. A completed cultivation license or processing license application form;
2. The initial application fee, which must be submitted with the completed application form;

3. The physical address of each location where marijuana will be cultivated, processed, or stored;

4. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed to, as applicable to the license or licenses requested, cultivate, process, test, package, or label marijuana or medical marijuana products and to maintain the infrastructure’s security and prevent the theft or diversion of any marijuana or medical marijuana product;

5. Proof that the applicant possesses the technical and technological ability to cultivate and test marijuana or process and test marijuana, as applicable to the license or licenses requested;

6. Proof of operating procedures designed to secure and maintain accountability for all marijuana, medical marijuana products, and marijuana-related byproducts that come into the applicant’s possession, and comply with the required seed-to-sale tracking system;

7. Proof of at least $1 million of hazard and liability insurance for each facility where cultivation or processing of marijuana or medical marijuana products occur; and

8. The licensure fee, which the department must receive before it may issue the license.

(b) Cultivation licenses and processing licenses expire 2 years after the date issued. The licensee must apply for a renewed license before the expiration date. In order to receive a renewed license, the licensee must meet all of the
requirements for initial licensure; must provide all of the
documents required under paragraph (a), accompanied by the
renewal fee, but not by the initial application fee or licensure
fee; and must not have any outstanding substantial violations of
the standards adopted by department rule for the cultivation,
processing, testing, packaging, and labeling of marijuana and
medical marijuana products.

(c) Before beginning cultivation or processing, the
licensee must obtain an operating permit from the department for
each facility where cultivation or processing will occur. Upon
receiving a request for a permit from a licensee, the department
shall inspect the facility pursuant to subsection (8) for
compliance with state law, and rules adopted thereunder, and,
upon a determination of compliance, shall issue an operating
permit for the facility. The department must issue or deny the
operating permit for a facility within 30 days after receiving
the request for a permit.

(d) If a facility’s operating permit expires, the facility
must cease all applicable operations until the department
reinspects the facility and issues a new operating permit upon a
determination of compliance.

(e) Cultivation facilities and processing facilities must
be secure and closed to the public and may not be located within
1,000 feet of an existing public or private elementary or
secondary school, a child care facility as defined in s.
402.302, or a licensed service provider offering substance abuse
services. The department may establish by rule additional
security and zoning requirements for cultivation facilities and
processing facilities. All matters regarding the permitting and
regulation of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

(f) Licensees under this subsection may use contractors to assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for the physical possession of all marijuana and medical marijuana products. All work done by a contractor must be performed at a facility with an operating permit issued by the department. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

(g) All marijuana byproducts that cannot be processed or that cannot be reprocessed into medical marijuana products must be destroyed by the cultivation or processing licensee or its contractor within 30 days after the production of the byproducts.

(h) Licensees under this subsection may wholesale marijuana and medical marijuana products only to other MMTCs.

(i) Transport or delivery of marijuana or medical marijuana products outside of property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to subsection (6).

(5) RETAIL LICENSES.—The department shall begin issuing retail licenses by October 3, 2017.

(a) An MMTC may apply for a retail license. When applying,
the MMTC must provide the department, at a minimum, with all of the following:

1. A completed retail license application form;
2. The initial application fee, which must be submitted with the completed application form;
3. A statement by the applicant indicating whether the applicant intends to dispense by delivery. A retail licensee may not deliver marijuana or medical marijuana products without also obtaining a transportation license pursuant to subsection (6);
4. The physical address of each location where marijuana or medical marijuana products will be dispensed or stored;
5. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant’s principals;
6. Proof of an established infrastructure, or the ability to establish an infrastructure in a reasonable amount of time, which is designed to receive marijuana or medical marijuana products from a cultivation licensee or a processing licensee and to maintain the infrastructure’s security and prevent the theft or diversion of any marijuana or medical marijuana product;
7. Proof of operating procedures designed to secure and maintain accountability for all marijuana and medical marijuana products that the applicant receives and possesses; ensure that the allowed amount of marijuana and the specified type of marijuana is correctly dispensed to a qualifying patient or his or her caregiver pursuant to a physician’s certification; and monitor the medical marijuana patient registry and electronically update the registry with dispensing information;
8. Proof of at least $500,000 of hazard and liability insurance for each facility where marijuana or medical marijuana products are dispensed or stored; and

9. The licensure fee, which the department must receive before it may issue the license.

(b) A retail license expires 2 years after the date it is issued. The retail licensee must apply for a renewed license before the expiration date. In order to receive a renewed license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (a), accompanied by the renewal fee, but not by the initial application fee or licensure fee; and must not have any outstanding substantial violations of the applicable standards adopted by department rule.

(c) Before beginning to dispense or store marijuana or medical marijuana products, the licensee must obtain an operating permit from the department for each facility where marijuana or medical marijuana products will be dispensed or stored. Upon receiving a request for a permit from a licensee, the department shall inspect the facility pursuant to subsection (8) for compliance with state law, and rules adopted thereunder. Upon a determination of compliance, and if the county has not reached its maximum number of permits and has not disallowed permits in that county pursuant to paragraph (e), the department shall issue an operating permit for the facility. The department must issue or deny the operating permit for a facility within 30 days after receiving the request for a permit. An MMTC holding a retail license must have a separate operating permit for each retail facility it operates.
(d) The department may not grant an operating permit if the proposed retail facility is located within 1,000 feet of an existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.

(e) The number of permitted retail facilities in a county may not exceed one for each 25,000 residents of the county. The governing body of a county or municipality may, by ordinance, refuse to allow retail facilities to be located within its jurisdiction, but may not prohibit an MMTC with a retail license from locating within its jurisdiction if the licensee is using a transportation operating permit to deliver medical marijuana products to qualifying patients within the jurisdiction. The department may not issue an operating permit for a retail facility in a county or municipality where the board of county commissioners of that county or the city council or other legislative body of that municipality has adopted such an ordinance. A county or municipality may levy a local business tax on a retail facility. If the number of operating permit applications determined by the department to comply with state law and rules adopted thereunder for retail facilities located in the same county exceeds the number of operating permits allowed for that county under this paragraph, the department shall employ a lottery system to determine the issuance of operating permits for that county and may not issue more than one operating permit in that county to a single MMTC. The department may issue an operating permit to an MMTC for an additional retail facility in the same county if the remaining number of allowed, but as yet unissued, permits in that county...
is greater than the number of qualified applications filed by applicants holding fewer operating permits in that county than the MMTC. An ordinance adopted by a municipality or county pursuant to this paragraph may not:

1. Provide exclusive access to one or several individuals or entities to operate retail facilities within the jurisdiction.

2. Prohibit specific individuals or entities from operating a retail facility within the jurisdiction if the ordinance allows retail facilities to operate in the jurisdiction.

3. Prohibit the delivery of medical marijuana products to qualifying patients within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

(f) Before the expiration of an operating permit for a retail facility, the licensee shall apply for a renewal permit and the department shall reinspect the facility and issue a new operating permit for that facility upon a determination of compliance.

(g) A retail licensee or an employee of the retail licensee may dispense the allowed amount of marijuana to a qualifying patient or the patient’s caregiver only if the retail licensee or employee:

1. Verifies the authenticity of the qualifying patient’s or caregiver’s medical marijuana patient registry identification card with the medical marijuana patient registry;

2. Verifies the physician’s prescription for marijuana with the medical marijuana patient registry;

3. Determines that the qualifying patient has not been dispensed the allowed amount of marijuana within the previous 29
days, if an allowed amount has been determined by his or her physician;

4. Issues to the qualifying patient or the qualifying patient’s caregiver a receipt that details the date and time of dispensing, the amount of marijuana dispensed, and the person to whom the marijuana was dispensed; and

5. Updates the medical marijuana patient registry with the date and time of dispensing and the amount and type of marijuana being dispensed to the qualifying patient before dispensing to the qualifying patient or the qualifying patient’s caregiver.

(h) A retail facility may not repackage or modify a medical marijuana product that has already been packaged for retail sale by a cultivation or processing licensee, unless the repackaging is of unprocessed marijuana and is done in accordance with instructions from the cultivator and such repackaging is documented in the required seed-to-sale tracking system.

(i) A retail licensee may contract with an MMTC that has a transportation license to transport marijuana and medical marijuana products between properties owned by the retail licensee, deliver the marijuana and medical marijuana products to the residence of a qualifying patient, and pick up returns of marijuana and medical marijuana products.

(j) Onsite consumption of marijuana or medical marijuana products at a retail facility is prohibited.

(6) TRANSPORTATION LICENSES.—

(a) The department shall adopt rules under which it will issue transportation licenses to MMTCs and permit vehicles under this subsection. An MMTC may apply for a transportation license. When applying, the MMTC must provide the department, at a
minimum, with all of the following:

1. The physical address of the licensee’s place of business;

2. Proof of a documentation system in accordance with the required seed-to-sale tracking system, including transportation manifests, for the transportation of marijuana and medical marijuana products between licensed facilities and to qualifying patients;

3. Proof of health and sanitation standards for the transportation of marijuana and medical marijuana products; and

4. Proof that all marijuana and medical marijuana products transported between licensed facilities will be transported in tamper-evident shipping containers.

(b) Medical marijuana may not be transported on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

(c) A transportation licensee may transport marijuana or medical marijuana products only in a vehicle that is owned or leased by the licensee or a contractor of the licensee and for which a valid vehicle permit has been issued by the department.

(d) A vehicle permit may be obtained by an MMTC holding a transportation license upon application and payment of a fee of $500 per vehicle to the department. The MMTC must designate an employee or contracted employee as the driver for each permitted vehicle. Such designation must be displayed in the vehicle at all times. The permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the MMTC’s registration or transportation license is transferred, cancelled, not renewed, or revoked by the
department. The department shall cancel a vehicle permit upon
the request of the MMTC or its contractor.

(e) By acceptance of a license issued under this
subsection, the MMTC and its contracted agent, if applicable,
agree that a permitted vehicle is, at all times it is being used
to transport marijuana or medical marijuana products, subject to
inspection and search without a search warrant by authorized
employees of the department, sheriffs, deputy sheriffs, police
officers, or other law enforcement officers to determine that
the MMTC is operating in compliance with this section.

(f) An MMTC with a transportation license may deliver, or
contract for the delivery of, marijuana and medical marijuana
products to qualifying patients and caregivers within the state.
An MMTC or its contractor must verify the identity of the
qualifying patient upon placement of the delivery order and
again upon delivery. Deliveries may only be made to the same
qualifying patient who placed the order or, if the patient is
unable to accept delivery, his or her caregiver. A county or
municipality may not prohibit deliveries of marijuana or medical
marijuana products to qualifying patients within the county or
municipality. The department shall adopt rules specific to the
delivery of marijuana and medical marijuana products to
qualifying patients and caregivers. Such rules must include:

1. Procedures for verifying the identity of the person
submitting and receiving a delivery, including required training
for delivery personnel; and

2. A maximum retail value for all marijuana, medical
marijuana products, and currency that may be in the possession
of an MMTC employee or contractor while making a delivery. The
minimum value established by rule may not be less than $5,000.

(g) Licensees under this subsection may use contractors to assist with the transportation of marijuana but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana and medical marijuana products at all times. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of the licensee must be registered with the department and issued an MMTC employee identification card.

(7) ADVERTISING PROHIBITED.—An MMTC may not advertise its marijuana or medical marijuana products. As used in this subsection, the term “advertise” means to advise on, announce, give notice of, publish, or call attention to a product by use of an oral, written, or graphic statement made in a newspaper or other publication, on radio or television, or in any electronic medium; contained in a notice, handbill, flyer, catalog, letter, or sign, including signage on a vehicle; or printed on or contained in a tag or label attached to or accompanying marijuana or a medical marijuana product.

(8) INSPECTIONS OF MMTC FACILITIES.—

(a) Inspections of MMTC facilities, other than those inspections required to determine compliance with firesafety standards or building codes or for law enforcement purposes, are preempted to the state and may be conducted by the department. The department shall inspect and permit for operation each MMTC facility used for cultivation, processing, or dispensing marijuana or medical marijuana products before the facility
begins operations. The department shall inspect each permitted
facility, as well as any property used for the cultivation of
marijuana, at least once every 2 years. The department may
conduct additional announced or unannounced inspections of a
permitted facility at reasonable hours in order to ensure
compliance with state law, rules, and standards set by the
department. The department or a law enforcement agency may test
any marijuana or medical marijuana product in order to ensure
that such marijuana or medical marijuana product meets the
safety and labeling standards established by the department. The
department may, by interagency agreement with the Department of
Business and Professional Regulation or the Department of
Agriculture and Consumer Services, perform joint inspections of
such facilities with these agencies.

(b) By October 3, 2017, the department shall adopt rules
governing the inspection of permitted facilities including
procedures for permitting and reasonable standards for the
operation of facilities used for cultivation, processing, or
dispensing marijuana and medical marijuana products.

(9) ACCESS TO PERMITTED FACILITIES.—The department shall
adopt rules governing access to permitted facilities and
delineating limited access areas, restricted access areas, and
general access areas at all licensed facilities. Access to
limited access areas must be limited to MMTC principals,
employees, and contractors who have been registered with the
department and have an MMTC employee identification card and to
visitors escorted by an individual who has such a card. Access
to restricted access areas must be limited to MMTC principals,
employees, and contractors who have been registered with the
department and issued an MMTC employee identification card, 
visitors escorted by an individual who has such a card, and 
qualifying patients and their caregivers. The department may 
adopt rules governing visitor access to limited access and 
restricted access areas, including, but not limited to, the 
umber of visitors that may be escorted on the premises at any 
given time and the number of visitors that may be escorted by a 
single employee.

(10) MMTC AND CONTRACTOR PERSONNEL REGISTRATION AND MMTC 
EMPLOYEE IDENTIFICATION CARDS.—
(a) By October 3, 2017, the department shall adopt rules 
governing the registration of MMTC principals, employees, and 
contractors who participate in the operations of the MMTC. The 
department may charge a reasonable fee when issuing and upon 
annually renewing an MMTC employee identification card. Before 
hiring or contracting with any individual who is not registered 
with the department or who does not possess a current MMTC 
employee identification card, an MMTC must submit an application 
for the registration of that person as an MMTC employee to the 
department. The department shall adopt by rule a form for such 
applications which requires the applicant to at least provide 
all of the following:
1. His or her full legal name, social security number, date 
of birth, and home address;
2. A full color, passport-type photograph taken within the 
past 90 days;
3. Proof that he or she has passed a level 2 background 
screening pursuant to chapter 435 within the previous year; and 
4. Whether the applicant will be authorized by the MMTC to
possess marijuana or medical marijuana products while not on MMTC property.

(b) Once the department has received a completed application and fee from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee’s name and the name of the MMTC that employs him or her;
2. The employee’s photograph, as required under paragraph (a);
3. The expiration date of the card, which is 1 year after the date of its issuance; and
4. Whether the employee is authorized by the MMTC to possess marijuana or medical marijuana products while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person’s status with the MMTC changes, the registered person and the MMTC must update the department with the new information or status within 7 days after the change.

(11) ADDITIONAL REQUIREMENTS.—

(a) An MMTC is responsible for knowing and complying with all state laws and rules governing marijuana.

(b) The premises of a permitted facility must comply with all security and surveillance requirements established by department rule before the licensee cultivates, sells, possesses, processes, tests, or dispenses any marijuana or
medical marijuana products at the licensed facility. All areas of ingress or egress to limited or restricted access areas of the permitted facility must be clearly identified as such by signage approved by the department.

(c) A licensee must possess and maintain possession of the facility for which a permit is issued by ownership, lease, rental, or other arrangement.

(d) A licensee must keep complete and current records for the current tax year and the 3 preceding tax years necessary to fully show the business transactions of the licensee, all of which must be open at all times during business hours for inspection and examination by the department and authorized representatives of the Department of Law Enforcement, as required by department rule.

(e) A licensee must establish an inventory tracking system that is approved by the department in compliance with the required seed-to-sale tracking system.

(f) All marijuana and medical marijuana products must meet the labeling and packaging requirements established by department rule.

(12) VIOLATIONS, FINES, AND ADMINISTRATIVE PENALTIES.—

(a) The department shall adopt by rule a schedule of violations in order to impose reasonable fines, not to exceed $10,000 per violation, on an MMTC. In determining the amount of the fine to be levied for a violation, the department shall consider:

1. The severity of the violation;
2. Any action taken by the MMTC to correct the violation or to remedy complaints; and
3. Any previous violations.
   
   (b) The department may suspend, revoke, deny, or refuse to renew an MMTC’s registration or function-specific license or impose an administrative penalty not to exceed $10,000 per violation for:

   1. Violating this act or department rule;
   2. Failing to maintain qualifications for registration or licensure;
   3. Endangering the health, safety, or security of a qualifying patient or caregiver;
   4. Improperly disclosing personal and confidential information of a qualifying patient or caregiver;
   5. Attempting to procure a registration, license, or permit by bribery or fraudulent misrepresentation;
   6. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC;
   7. Making or filing a report or record that the MMTC knows to be false;
   8. Willfully failing to maintain a record required by this section or rule of the department;
   9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties;
   10. Engaging in fraud, deceit, negligence, incompetence, or misconduct in the business practices of an MMTC;
   11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an
MMTC; or

12. Violating a lawful order of the department or an agency of the state or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(13) MMTC LIST.—The department shall maintain on its website a publicly available, easily accessible list of the names and locations of all retail licensees operating under active retail facility function permits.

(14) DISPENSING ORGANIZATION GRANDFATHERING.—As soon as practicable after the effective date of this act and not later than October 3, 2017, the department shall:

(a) Register each dispensing organization that is in compliance with the requirements of, and that was approved pursuant to, chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, as an MMTC, effective retroactively to the date of the dispensing organization’s approval as a dispensing organization;

(b) Issue each such dispensing organization one cultivation license, one processing license, one retail license, and one transportation license; and

(c) For each such dispensing organization facility in operation on or before July 1, 2017, issue the applicable permit for the function or functions performed at that facility to the dispensing organization.

Section 8. Section 381.996, Florida Statutes, is created to read:

381.996 Medical marijuana testing and labeling.—

(1) To ensure accurate reporting of test results, the department shall adopt by rule a certification process and
testing standards for independent testing laboratories. The
Department of Agriculture and Consumer Services shall provide
resources to the department regarding the certification process
and standards for laboratories that test similar agricultural
products and their derivatives in this state. The standards must
include, but need not be limited to, educational requirements
for laboratory directors, proficiency testing for professional
licensees employed by a laboratory, standard operating
procedures, and quality control procedures for testing.

(2) An MMTC may not distribute or sell marijuana or a
medical marijuana product to a retail licensee unless the batch
of origin of that marijuana or medical marijuana product has
been tested by an independent testing laboratory and the selling
MMTC has received test results from the independent testing
laboratory which certify that the batch meets the quality
standards established by the department. An independent testing
laboratory is not required to be registered as an MMTC or to
hold a transportation license under this act in order to
transport or receive marijuana or medical marijuana products for
testing purposes.

(3) When testing a batch of origin of marijuana or medical
marijuana product, an independent testing laboratory must, at a
minimum, test for:
(a) Potency, to ensure accurate labeling; and
(b) Unsafe contaminants, including, but not limited to,
dangerous microbial organisms, molds, pesticides, residual
solvents, and other harmful chemicals and toxins.

(4) Each independent testing laboratory shall report its
findings for each batch tested to the MMTC from which the batch
originated and to the department. Such findings must include, at
a minimum, the inspection certificate number or numbers of the
cultivation facility or processing facility from which the batch
originated, the size and batch number of the batch tested, the
types of tests performed on the batch, and the results of each
test. The department may require by rule the electronic
submission of findings.

(5) The department shall adopt by rule a comprehensive
tracking and labeling system that allows a marijuana plant or
medical marijuana product to be identified and tracked from
cultivation to the final retail product. The department may
adopt rules that establish qualifications for private entities
to provide product tracking services to meet the requirements of
this subsection and may establish a preferred vendor list based
on those qualifications.

(6) Before distribution or sale to a retail licensee, any
marijuana or medical marijuana product that meets department
testing standards must be packaged in a child-resistant
container and labeled with at least the name and license number
of the MMTC or MMTCs from which it originated; the inspection
certificate number of the facility or facilities where the batch
was harvested and processed; the harvest or production batch
number; the concentration range of each individual cannabinoid
present at testing; a warning statement and a universal, easily
identifiable symbol indicating that the package contains
marijuana for medical use; and any other information required
under federal or state law, rule, or regulation for that form of
product, including any additional information required for
edible products, if applicable. For purposes of this subsection,
any oil-based extraction meant for direct consumption in small quantities as a supplement is not required to be labeled as a food product.

(7) Before sale to a qualifying patient or caregiver, a retail licensee must affix an additional label to each medical marijuana product which includes the retail licensee’s name and retail license number and the identification number on the medical marijuana patient registry identification card of the qualifying patient who is to receive the product.

(8) By January 1, 2018, the department shall establish standards for quality, testing procedures, and maximum levels of unsafe contaminants. The department shall also create a list of individual cannabinoids for which marijuana and medical marijuana products must be tested which specifies for each cannabinoid the concentration considered significant and the varying ranges of concentrations upon which a physician may base his or her recommendation for a patient’s use of a specific strain of marijuana.

Section 9. Section 381.997, Florida Statutes, is created to read:

381.997 Penalties.—

(1) A qualifying patient or caregiver may not purchase, acquire, or possess any marijuana above the allowed amount of marijuana for the qualifying patient’s medical use. A qualifying patient or caregiver who violates this subsection is subject to prosecution under chapter 893.

(2) A physician may not certify marijuana or medical marijuana products for a patient without a reasonable belief that the patient is suffering from a debilitating medical
condition. A physician who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who fraudulently represents that he or she has a debilitating medical condition for the purpose of being certified to receive marijuana or medical marijuana products by a physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who knowingly and fraudulently uses or attempts to use a medical marijuana patient registry identification card that has expired, is counterfeit, or belongs to another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) An employee or contractor of an MMTC may not possess, transport, or deliver any medical marijuana above the allowed amount specified in the transport or delivery order. An employee or contractor of an MMTC who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Section 381.998, Florida Statutes, is created to read:

381.998 Insurance.—The Florida Medical Marijuana Act does not require a governmental, private, or other health insurance provider or health care services plan to cover a claim for reimbursement for the purchase of marijuana or medical marijuana products; however, the act does not restrict such coverage.

Section 11. Section 381.9981, Florida Statutes, is created to read:

381.9981 Rulemaking authority.—The department may adopt
rules to administer ss. 381.99-381.9981.

Section 12. Section 385.211, Florida Statutes, is amended to read:

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

(1) As used in this section, the term “marijuana” has the same meaning “low-THC cannabis” means “low-THC cannabis” as defined in s. 381.991 but applies only to marijuana s. 381.996 that is dispensed by an MMTC only from a dispensing organization as defined in s. 381.991 s. 381.986.

(2) Notwithstanding chapter 893, medical centers recognized pursuant to s. 381.925, or an academic medical research institution legally affiliated with a licensed children’s specialty hospital as defined in s. 395.002(28) which contracts with the Department of Health, may conduct research on cannabidiol and marijuana low-THC cannabis. This research may include, but need not be limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and marijuana low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for recognized medical centers to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities described in this section.

Section 13. Subsections (2) and (3) of section 499.0295, Florida Statutes, are amended to read:

499.0295 Experimental treatments for terminal conditions.—

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

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

(a)(b) “Eligible patient” means a person who:

1. Has a terminal condition that is attested to by the
patient’s physician and confirmed by a second independent
evaluation by a board-certified physician in an appropriate
specialty for that condition;

2. Has considered all other treatment options for the
terminal condition currently approved by the United States Food
and Drug Administration;

3. Has given written informed consent for the use of an
investigational drug, biological product, or device; and

4. Has documentation from his or her treating physician
that the patient meets the requirements of this paragraph.

(b)(c) “Investigational drug, biological product, or
device” means:

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

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

(c)(d) “Terminal condition” means a progressive disease or
medical or surgical condition that causes significant functional
impairment, is not considered by a treating physician to be
reversible even with the administration of available treatment
options currently approved by the United States Food and Drug Administration, and, without the administration of life-sustaining procedures, will result in death within 1 year after diagnosis if the condition runs its normal course.

(d) "Written informed consent" means a document that is signed by a patient, a parent of a minor patient, a court-appointed guardian for a patient, or a health care surrogate designated by a patient and includes:

1. An explanation of the currently approved products and treatments for the patient’s terminal condition.

2. An attestation that the patient concurs with his or her physician in believing that all currently approved products and treatments are unlikely to prolong the patient’s life.

3. Identification of the specific investigational drug, biological product, or device that the patient is seeking to use.

4. A realistic description of the most likely outcomes of using the investigational drug, biological product, or device. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and death could be hastened by the proposed treatment. The description shall be based on the physician’s knowledge of the proposed treatment for the patient’s terminal condition.

5. A statement that the patient’s health plan or third-party administrator and physician are not obligated to pay for care or treatment consequent to the use of the investigational drug, biological product, or device unless required to do so by law or contract.

6. A statement that the patient’s eligibility for hospice
care may be withdrawn if the patient begins treatment with the
investigational drug, biological product, or device and that
hospice care may be reinstated if the treatment ends and the
patient meets hospice eligibility requirements.

7. A statement that the patient understands he or she is
liable for all expenses consequent to the use of the
investigational drug, biological product, or device and that
liability extends to the patient’s estate, unless a contract
between the patient and the manufacturer of the investigational
drug, biological product, or device states otherwise.

(3) Upon the request of an eligible patient, a manufacturer
may do any of the following, or upon a physician’s order
pursuant to s. 381.986, a dispensing organization may:

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

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

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

Section 14. Subsection (3) of section 893.02, Florida
Statutes, is amended to read:

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

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

Section 15. Section 1004.441, Florida Statutes, is amended to read:

1004.441 Refractory and intractable epilepsy treatment and Research on the use of marijuana to treat serious medical conditions and symptoms.—

(1) As used in this section, the term “marijuana” has the same meaning “low-THC cannabis” means “low-THC cannabis” as defined in s. 381.991 but applies only to marijuana s. 381.986 that is dispensed by an MMTC only from a dispensing organization as defined in s. 381.991 s. 381.986.

(2) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on marijuana and cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives, medical marijuana products, and of cannabidiol and low-THC cannabis for the treatment of any debilitating medical condition as defined in s. 381.991 for refractory or intractable epilepsy. The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the
activities authorized by this section.

Section 16. The University of Florida, in consultation with
a veterinary research organization, may conduct research to
determine the benefits and contraindications of the use of low-
THC cannabis and low-THC cannabis products for treatment of
animals with seizure disorders or other life-limiting illnesses.
State funds may not be used for such research.

Section 17. If any provision of this act or its application
to any person or circumstance is held invalid, the invalidity
does not affect other provisions or applications of the act
which can be given effect without the invalid provision or
application, and to this end the provisions of this act are
severable.

Section 18. The Division of Law Revision and Information is
directed to replace the phrase “the effective date of this act”
wherever it occurs in this act with the date the act becomes a
law.

Section 19. This act shall take effect upon becoming a law.

================= T I T L E A M E N D M E N T ===============
And the title is amended as follows:
Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to medical marijuana; repealing s.
381.986, F.S., relating to the compassionate use of
low-THC and medical cannabis; creating s. 381.99,
F.S.; providing a short title; creating s. 381.991,
F.S.; defining terms; creating s. 381.992, F.S.;
authorizing a qualifying patient or his or her
caregiver to purchase, acquire, and possess up to the
allowed amount of marijuana, medical marijuana
products, and associated paraphernalia for a
qualifying patient’s medical use; authorizing a
medical marijuana treatment center (MMTC), including
its employees and contractors, to perform certain
activities; authorizing certified independent testing
laboratories and their employees or contractors to
receive and process marijuana for the sole purpose of
testing the marijuana for compliance with the act;
specifying that certain provisions do not exempt
persons from the prohibition against driving under the
influence; providing that specified provisions apply
to the smoking of marijuana or medical marijuana
products; authorizing the department to restrict the
smoking of marijuana or such products at certain
facilities; creating s. 381.993, F.S.; providing that
a physician must certify, on a specified form, that a
patient is suffering from a debilitating medical
condition and that the benefits to the patient of
using marijuana outweigh the potential health risks
before a patient may register with the department and
obtain a registry identification card; requiring the
certification to specify the length of time
recommended for the use of marijuana or a medical
marijuana product; specifying that the allowable
amount for any patient may not exceed a maximum
determined by department rule; authorizing physicians
to submit the physician certification form electronically through the department’s website or by mail; providing criteria for the certification of patients by physicians; requiring patients who wish to use marijuana or medical marijuana products to register with the department; providing requirements for registration; authorizing adult qualifying patients to authorize caregivers; requiring the consent of a parent or legal guardian for minor patients; providing requirements for caregivers; prohibiting caregivers from registering to assist more than one patient at any given time unless specified circumstances are met; requiring the department to designate the parent or legal guardian of a qualifying minor patient as the patient’s caregiver; prohibiting qualifying minor patients from purchasing or acquiring marijuana and medical marijuana products; requiring the department to notify the qualifying patient that the caregiver’s application for registration is disallowed; specifying the responsibilities of the department; requiring the department to create a patient and caregiver registration form and a physician certification form and make those forms available to the public by a specified date; requiring the registration form to allow the patient to include specified information; requiring the department to create and make available to the public a specified caregiver training course by a specified date; requiring the department to enter the information for
the qualifying patient or his or her caregiver into
the medical marijuana patient registry and to issue a
medical marijuana patient registry identification card
to the patient and the caregiver after the receipt of
specified documents; requiring that medical marijuana
registry identification cards be resistant to
counterfeiting and include specified information;
providing that patient and caregiver registration and
medical marijuana patient registry identification
cards expire 1 year after the date of issuance;
requiring a physician to certify specified information
in order to renew a registration or medical marijuana
patient registry identification card; requiring the
written consent of a parent or legal guardian of a
qualifying patient who is a minor for the continued
consent of the minor’s treatment with marijuana;
providing for the disqualification of patients and
caregivers; requiring the department to notify
specified persons of a change in registration status
in specified circumstances; requiring the department
to give notice within a specified timeframe to the
qualifying patient and the caregiver before removing
the patient or caregiver from the medical marijuana
patient registry; requiring the qualifying patient or
caregiver to return specified items within a specified
timeframe after receiving the notification; requiring
a retail facility to notify the department upon the
receipt of such items; authorizing the retail facility
to notify the department electronically; requiring the
personal representative of a patient or a caregiver to
return the identification card of the patient or
caregiver to the retail facility after his or her
death; requiring the retail facility to update the
medical marijuana patient registry and notify the
department after the return of the identification
cards; authorizing the retail facility to notify the
department electronically; requiring the department,
on a quarterly basis, to compare all qualifying
patients and caregivers in the medical marijuana
patient registry with the records of deaths on file on
the electronic death registration system and to adjust
the file of the patient or caregiver accordingly
within a certain timeframe; requiring the department
to notify law enforcement of the expired or cancelled
identification card in certain circumstances;
authorizing the department to adopt rules to implement
a process for MMTCs to accept and dispose of returned
marijuana or medical marijuana products and registry
identification cards; creating s. 381.994, F.S.;
requiring that the department create a secure, online,
electronic medical marijuana patient registry
containing a file containing specified information for
each qualifying patient, caregiver, and certifying
physician; requiring that the medical marijuana
patient registry meet specified criteria; creating s.
381.995, F.S.; requiring the department to establish
operating standards for the cultivation, processing,
packaging, and labeling of marijuana and procedures
and requirements for the registration of MMTCs by a
specified date; providing for the registration of
MMTCs and certain of their principles, employees and
contractors; requiring the department to charge
registration fees that may not exceed specified
amounts; requiring the department to develop a
registration form for MMTCs which must require the
applicant to provide specified information; requiring
the department to begin registering MMTCs by a
specified date; requiring MMTCs to provide specified
documentation and to pay a performance and compliance
bond in a specified amount, which is subject to
forfeiture; prohibiting registration from taking place
until all principals, employees, and contractors who
will participate in the operations of the MMTC have
registered with the department and have been issued
identification cards; providing a 2-year registration
period and requiring that renewals comply with a
process established by department rule; requiring
MMTCs to obtain certain licenses before engaging in
certain activities; requiring the department to
develop rules enforcing the use of a seed-to-sale
tracking system; providing criteria; authorizing the
department to charge application and license fees for
cultivation licenses; specifying fees for specified
licenses and facility permits; requiring the
department to begin issuing cultivation and processing
licenses by a specified date; authorizing MMTCs to
apply for cultivation and processing licenses;
providing application requirements; providing for expiration and renewal of licenses; requiring licensees to obtain an operating permit from the department for each facility before beginning cultivation and processing; requiring the department to inspect facilities for which operating permits are sought; requiring the department to approve or disapprove applications within a specified timeframe; prohibiting facilities from certain operations if their permit has expired; requiring cultivation and processing facilities to be secure, closed to the public, and not within a specified proximity to specified schools, child care facilities, or specified licensed service providers; authorizing the department to establish rules providing additional security and zoning requirements; providing that licensees may use contractors to assist in the cultivation and processing of marijuana, but holding licensees responsible for their actions; requiring principals and employees of contractors who participate in the operations of the licensee to be registered with the department and to have MMTC employee identification cards; requiring cultivation and processing licensees to destroy certain marijuana byproducts within a specified timeframe; requiring MMTCs that transport or deliver marijuana outside of the property owned by the licensee to hold a transportation license; requiring the department to begin issuing retail licenses by a specified date; providing requirements for
application; providing for the expiration and renewal of licenses; requiring licensees to obtain an operating permit from the department for each dispensing facility before dispensing or storing marijuana or medical marijuana products; providing a permitting process; requiring the department to act on permit applications within a certain timeframe; requiring an MMTC that holds a retail license to have a separate operating permit for each retail facility it operates; prohibiting the department from granting an operating permit if a proposed retail facility is located on the same property as a cultivation or processing facility or if it is located proximate to specified schools or facilities; restricting the number of available retail licenses in a county based on population; authorizing a governing body of a county or municipality to refuse to allow a retail facility within its jurisdiction; prohibiting the department from licensing a retail facility in a county or municipality that has prohibited retail facilities by ordinance; authorizing a county or municipality to levy a local business tax on a retail facility; authorizing the department to employ a lottery system for the issuance of permits in certain circumstances; limiting the number of operating permits that may be issued to a single MMTC in those circumstances; providing for the expiration and renewal of operating permits; providing requirements for retail licensees and their employees in the
dispensing of marijuana to qualifying patients and
their caregivers; prohibiting a retail facility from
repackaging or modifying a medical marijuana product
that has been packaged for retail sale by a
cultivation or processing licensee; authorizing retail
licensees to contract with certain MMTCs to transport
marijuana and medical marijuana products between
properties owned by the retail licensee and to make
deliveries to and pick up returns from the residences
of qualifying patients; prohibiting onsite consumption
of marijuana or medical marijuana products at retail
facilities; requiring the department to adopt rules
governing the issuance of transportation licenses to
MMTCs and the permitting of vehicles; authorizing
MMTCs to apply for retail licenses and providing
application requirements; prohibiting the
transportation of marijuana or medical marijuana
products on the property of an airport, seaport, or
spaceport; authorizing a transportation licensee to
transport marijuana or medical marijuana products in
specified permitted vehicles; specifying the fee for
vehicle permits; providing requirements for the
designation of drivers and requiring that designations
be displayed in a vehicle at all times; providing for
expiration of the permit in certain circumstances;
requiring the department to cancel a vehicle permit
upon the request of specified persons; providing that
the licensee authorizes the inspection and search of
his or her vehicle by certain persons without a search
warrant for purposes of determining compliance with
the act; authorizing certain MMTCs to deliver or
contract for the delivery of marijuana and medical
marijuana products to qualifying patients and their
caregivers; providing requirements for and
restrictions on such delivery; prohibiting a county or
municipality from prohibiting deliveries; requiring
the department to adopt rules governing the delivery
of marijuana and medical marijuana products to
qualifying patients and their caregivers; authorizing
licensees to use contractors to assist with the
transportation of marijuana or medical marijuana
products; providing requirements for such
transportation; requiring that principals and
employees of contractors contracted by a licensee be
registered with the department and issued an employee
identification card; prohibiting MMTCs from
advertising marijuana or medical marijuana products;
defining the term “advertise”; providing that
inspections of MMTC facilities are preempted to the
state and may be conducted by the department;
requiring the department to inspect and license
specified facilities of MMTCs before those facilities
begin operations; requiring the department to conduct
such inspection at least once every 2 years;
authorizing the department to conduct additional or
unannounced inspections at reasonable hours;
authorizing the department to test marijuana or
medical marijuana products to ensure that they meet
the standards established by the department;
authorizing the department, through an interagency
agreement, to perform joint inspections of such
facilities; requiring the department to adopt rules by
a specified date governing access to licensed
facilities which impose specified requirements on
limited access areas, restricted access areas, and
general access areas at all licensed facilities;
authorizing the department to adopt rules governing
visitor access; requiring the department to adopt
rules governing the registration of MMTC principals,
employees and contractors; authorizing the department
to charge a reasonable fee for MMTC employee
identification cards; requiring that MMTCs submit an
application for the registration of a person they
intend to hire or contract with in certain
circumstances; requiring the department to adopt by
rule a form for submitting an employee registration;
specifying the information that must be provided by
applicants; requiring the department to register
certain persons and to issue them MMTC employee
identification cards that meet certain requirements;
requiring MMTCs to notify the department of any
changes in status of such employees or contractors
within a specified timeframe; providing that MMTCs are
responsible for knowing and complying with specified
laws and rules; requiring that the licensed premises
comply with security and surveillance requirements
established by the department by rule before the
licensee can undertake specified actions; requiring that specified areas of the licensed facility be clearly identified as such by signage approved by the department; requiring that a licensee possess and maintain possession of the premises for which the license is issued; requiring a licensee to keep a complete set of all records necessary to show fully the business transactions of the licensee for specified tax years; requiring a licensee to establish an inventory tracking system that is approved by the department; requiring that marijuana or medical marijuana products meet the labeling and packaging requirements established by department rule; requiring the department to adopt by rule a schedule of violations in order to impose fines not to exceed a specified amount per violation; requiring the department to consider specified factors in determining the amount of the fine to be levied; authorizing the department to suspend, revoke, deny, or refuse to renew a license of an MMTC or impose a specified administrative penalty for specified acts and omissions; requiring the department to maintain a publicly available, easily accessible list on its website of all permitted retail facilities; providing for the grandfathering of MMTCs that meet specified requirements by a specified date; requiring the department to issue specified licenses and permits; creating s. 381.996, F.S.; providing requirements for marijuana testing and labeling; requiring the
Department of Health to adopt by rule a certification process and testing standards for independent testing laboratories; requiring the Department of Agriculture and Consumer Services to provide resources to the department; prohibiting cultivation licensees and processing licensees from distributing or selling marijuana or medical marijuana products to retail licensees unless specified conditions are met; providing that independent laboratories are not required to be registered as MMTCs or to hold transportation licenses to transport or receive marijuana or medical marijuana products for testing purposes; requiring independent testing laboratories to conduct specified testing and to report specified findings to the department; requiring that such findings include specified information; requiring the department to establish by rule a comprehensive tracking and labeling system for marijuana plants and products; authorizing the department to adopt rules that establish qualifications for private entities that provide product tracking services and to establish a preferred vendor list; requiring that medical marijuana and medical marijuana products that meet testing standards be packaged in a specified manner; providing an exception; requiring a retail licensee to affix an additional label to each medical marijuana product which includes specified information; requiring the department to establish specified standards for quality, testing procedures,
and maximum levels of unsafe contaminants by a specified date; requiring the department to create a list of individual cannabinoids for which marijuana and medical marijuana products must be tested; creating s. 381.997, F.S.; providing penalties for specified violations; creating s. 381.998, F.S.; providing that this act does not require specified insurance providers or a health care services plan to cover a claim for reimbursement for the purchase of medical marijuana; providing that the act does not restrict such coverage; creating s. 381.9981, F.S.; authorizing the department to adopt rules to implement this act; amending ss. 385.211, 499.0295, 893.02, and 1004.441, F.S.; conforming provisions to changes made by the act; authorizing the University of Florida, in consultation with a veterinary research organization, to conduct specified research for treatment of animals with seizure disorders or other life-limiting illnesses; prohibiting the use of state funds for such research; providing for severability; providing effective dates.