

By Senator Brandes

24-00500-19

20191322__

1 A bill to be entitled
2 An act relating to the availability of marijuana for
3 medical use; amending s. 381.986, F.S.; redefining the
4 term "medical use" to include the possession, use, or
5 administration of marijuana in a form for smoking;
6 conforming a provision to changes made by the act;
7 revising provisions related to the licensure of and
8 functions of medical marijuana treatment centers
9 (MMTCs); requiring the Department of Health to adopt
10 by rule certain operating standards and procedures;
11 requiring the department to adopt by rule a certain
12 MMTC registration form; specifying registration
13 requirements, including the submission of a specified
14 performance and compliance bond that may be forfeited
15 for failure to comply with certain provisions;
16 requiring an applicant for an MMTC to submit
17 registration forms for certain principals, employees,
18 and contractors listed on the application; prohibiting
19 the department from registering an applicant as an
20 MMTC until such principals, employees, and contractors
21 are registered and issued MMTC employee identification
22 cards; providing for expiration of an MMTC
23 registration; specifying that a registered MMTC must
24 obtain separate operating licenses for the
25 cultivation, processing, dispensing, and
26 transportation of marijuana; specifying application
27 requirements for an MMTC to obtain cultivation
28 licenses and processing licenses; providing for the
29 expiration of and renewal of such licenses; specifying

24-00500-19

20191322__

30 that an MMTC facility must obtain a facility permit
31 before cultivating or processing marijuana;
32 authorizing an MMTC licensed to cultivate or process
33 marijuana to use contractors to assist with the
34 cultivation and with the processing of marijuana under
35 certain conditions; providing for the destruction of
36 marijuana byproducts within a specified timeframe
37 after their production; providing requirements for the
38 cultivation and for the processing of marijuana;
39 removing the requirement that each MMTC produce and
40 make available for purchase at least one low-THC
41 cannabis product; removing tetrahydrocannabinol limits
42 for edibles; requiring a licensed processing MMTC to
43 test marijuana before it is sold or dispensed;
44 providing marijuana packaging requirements; providing
45 application requirements for an MMTC to obtain a
46 retail license; providing for the expiration of and
47 renewal of such licenses; requiring an MMTC to obtain
48 a facility permit before dispensing and before storing
49 marijuana; prohibiting onsite consumption of or
50 administration of marijuana at a dispensary facility;
51 providing requirements for the dispensing of
52 marijuana; deleting a provision prohibiting an MMTC
53 from dispensing or selling specified products;
54 providing application requirements for an MMTC to
55 obtain a transportation license; providing marijuana
56 transportation requirements; providing a process for
57 the issuance and cancellation of vehicle permits;
58 requiring that each permitted vehicle be GPS-

24-00500-19

20191322__

59 monitored; specifying that a permitted vehicle is
60 subject to inspection and search without a search
61 warrant by specified persons when transporting
62 marijuana; authorizing an MMTC licensed to transport
63 marijuana and marijuana delivery devices to deliver or
64 contract for the delivery of marijuana to other MMTCs
65 and to qualified patients and caregivers within this
66 state; requiring a person delivering marijuana and a
67 marijuana delivery device to a qualified patient or
68 his or her caregiver to verify the identity of the
69 qualified patient; establishing that a county or
70 municipality may not prohibit deliveries of marijuana
71 to qualified patients and caregivers within the county
72 or municipality; requiring the department to adopt
73 certain rules for the delivery of marijuana; providing
74 for the permitting of cultivation, processing,
75 dispensary, and storage facilities; requiring the
76 department to adopt by rule a facility permit
77 application form; requiring the department to issue or
78 deny a facility permit within a specified timeframe;
79 providing for the expiration of facility permits;
80 requiring the department to inspect a facility for
81 compliance before the renewal of a facility permit;
82 requiring an MMTC to cease applicable operations if a
83 facility's permit expires or is revoked; requiring
84 cultivation facilities and processing facilities to be
85 insured with specified hazard and liability insurance;
86 providing cultivation facility and processing facility
87 requirements; preempting to the state all matters

24-00500-19

20191322__

88 regarding the permitting and regulation of cultivation
89 facilities and processing facilities; requiring
90 dispensary facilities and storage facilities to be
91 insured with specified hazard and liability insurance;
92 providing dispensary facility and storage facility
93 requirements; clarifying that a county or a
94 municipality may prohibit a dispensary facility from
95 being located in its jurisdiction, but may not
96 prohibit a licensed retail MMTC or its permitted
97 storage facility from being located in such county's
98 or municipality's jurisdiction if the MMTC is
99 delivering marijuana to qualifying patients;
100 prohibiting the department from issuing a facility
101 permit for a dispensary facility in a county or
102 municipality that adopts a certain ordinance;
103 authorizing a county or municipality to levy a local
104 tax on a dispensary facility; authorizing the
105 department to adopt specified requirements by rule;
106 requiring the department to adopt rules to administer
107 the registration of certain MMTC principals,
108 employees, and contractors by a specified date;
109 requiring an MMTC to apply to the department for the
110 registration of certain persons before hiring or
111 contracting with any such person; requiring the
112 department to adopt by rule a registration form that
113 includes specified information; requiring the
114 department to register persons who meet specified
115 conditions and issue MMTC employee identification
116 cards; requiring a registered person and the MMTC to

24-00500-19

20191322__

117 update the department within a specified timeframe if
118 the person's employment status changes; authorizing
119 the department to contract with vendors to issue MMTC
120 employee identification cards; requiring the
121 department to inspect an MMTC and its facilities upon
122 a complaint and to biennially inspect each permitted
123 facility; authorizing the department to conduct
124 additional inspections of a facility; conforming a
125 provision to changes made by the act; establishing
126 that each MMTC licensed by the department before a
127 specified date may continue operations under s.
128 381.986, F.S. (2018), and any rules adopted thereunder
129 until the department is able to register MMTCs and to
130 issue operational licenses and facility permits under
131 this act; requiring the department to register such
132 licensed MMTC and issue it cultivation, processing,
133 retail, and transportation licenses and the
134 appropriate facility and vehicle permits as soon as
135 practicable; providing for the expiration of such
136 registration, operating licenses, and facility
137 permits; providing an effective date.

138

139 Be It Enacted by the Legislature of the State of Florida:

140

141 Section 1. Paragraph (j) of subsection (1) and subsections
142 (8), (9), (10), and (17) of section 381.986, Florida Statutes,
143 are amended to read:

144 381.986 Medical use of marijuana.—

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

24-00500-19

20191322__

146 (j) "Medical use" means the acquisition, possession, use,
147 delivery, transfer, or administration of marijuana authorized by
148 a physician certification. The term does not include:

149 1. Possession, use, or administration of marijuana that was
150 not purchased or acquired from a medical marijuana treatment
151 center.

152 2. Possession, use, or administration of marijuana in a
153 ~~form for smoking, in~~ the form of commercially produced food
154 items other than edibles, ~~or of marijuana seeds or flower,~~
155 ~~except for flower in a sealed, tamper-proof receptacle for~~
156 ~~vaping.~~

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

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

163 5. Use or administration of marijuana in the following
164 locations:

165 a. On any form of public transportation, except for low-THC
166 cannabis.

167 b. In any public place, except for low-THC cannabis.

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

170 d. In a state correctional institution, as defined in s.
171 944.02, or a correctional institution, as defined in s. 944.241.

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

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

24-00500-19

20191322__

175 except for low-THC cannabis.

176
177 For the purposes of this subparagraph, the exceptions for low-
178 THC cannabis do not include the smoking of low-THC cannabis.

179 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

180 (a) ~~The department shall license medical marijuana~~
181 ~~treatment centers to ensure reasonable statewide accessibility~~
182 ~~and availability as necessary for qualified patients registered~~
183 ~~in the medical marijuana use registry and who are issued a~~
184 ~~physician certification under this section.~~

185 ~~1. As soon as practicable, but no later than July 3, 2017,~~
186 ~~the department shall license as a medical marijuana treatment~~
187 ~~center any entity that holds an active, unrestricted license to~~
188 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
189 ~~medical cannabis, and cannabis delivery devices, under former s.~~
190 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
191 ~~meets the requirements of this section. In addition to the~~
192 ~~authority granted under this section, these entities are~~
193 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
194 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
195 ~~Florida Statutes 2016, which were entered into the compassionate~~
196 ~~use registry before July 1, 2017, and are authorized to begin~~
197 ~~dispensing marijuana under this section on July 3, 2017. The~~
198 ~~department may grant variances from the representations made in~~
199 ~~such an entity's original application for approval under former~~
200 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (c).~~

201 ~~2. The department shall license as medical marijuana~~
202 ~~treatment centers 10 applicants that meet the requirements of~~
203 ~~this section, under the following parameters:~~

24-00500-19

20191322__

204 ~~a. As soon as practicable, but no later than August 1,~~
205 ~~2017, the department shall license any applicant whose~~
206 ~~application was reviewed, evaluated, and scored by the~~
207 ~~department and which was denied a dispensing organization~~
208 ~~license by the department under former s. 381.986, Florida~~
209 ~~Statutes 2014; which had one or more administrative or judicial~~
210 ~~challenges pending as of January 1, 2017, or had a final ranking~~
211 ~~within one point of the highest final ranking in its region~~
212 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
213 ~~requirements of this section; and which provides documentation~~
214 ~~to the department that it has the existing infrastructure and~~
215 ~~technical and technological ability to begin cultivating~~
216 ~~marijuana within 30 days after registration as a medical~~
217 ~~marijuana treatment center.~~

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

224 ~~e. As soon as practicable, but no later than October 3,~~
225 ~~2017, the department shall license applicants that meet the~~
226 ~~requirements of this section in sufficient numbers to result in~~
227 ~~10 total licenses issued under this subparagraph, while~~
228 ~~accounting for the number of licenses issued under sub-~~
229 ~~subparagraphs a. and b.~~

230 ~~3. For up to two of the licenses issued under subparagraph~~
231 ~~2., the department shall give preference to applicants that~~
232 ~~demonstrate in their applications that they own one or more~~

24-00500-19

20191322__

233 ~~facilities that are, or were, used for the canning,~~
234 ~~concentrating, or otherwise processing of citrus fruit or citrus~~
235 ~~molasses and will use or convert the facility or facilities for~~
236 ~~the processing of marijuana.~~

237 ~~4. Within 6 months after the registration of 100,000 active~~
238 ~~qualified patients in the medical marijuana use registry, the~~
239 ~~department shall license four additional medical marijuana~~
240 ~~treatment centers that meet the requirements of this section.~~
241 ~~Thereafter, the department shall license four medical marijuana~~
242 ~~treatment centers within 6 months after the registration of each~~
243 ~~additional 100,000 active qualified patients in the medical~~
244 ~~marijuana use registry that meet the requirements of this~~
245 ~~section.~~

246 ~~5. Dispensing facilities are subject to the following~~
247 ~~requirements:~~

248 ~~a. A medical marijuana treatment center may not establish~~
249 ~~or operate more than a statewide maximum of 25 dispensing~~
250 ~~facilities, unless the medical marijuana use registry reaches a~~
251 ~~total of 100,000 active registered qualified patients. When the~~
252 ~~medical marijuana use registry reaches 100,000 active registered~~
253 ~~qualified patients, and then upon each further instance of the~~
254 ~~total active registered qualified patients increasing by~~
255 ~~100,000, the statewide maximum number of dispensing facilities~~
256 ~~that each licensed medical marijuana treatment center may~~
257 ~~establish and operate increases by five.~~

258 ~~b. A medical marijuana treatment center may not establish~~
259 ~~more than the maximum number of dispensing facilities allowed in~~
260 ~~each of the Northwest, Northeast, Central, Southwest, and~~
261 ~~Southeast Regions. The department shall determine a medical~~

24-00500-19

20191322__

262 ~~marijuana treatment center's maximum number of dispensing~~
263 ~~facilities allowed in each region by calculating the percentage~~
264 ~~of the total statewide population contained within that region~~
265 ~~and multiplying that percentage by the medical marijuana~~
266 ~~treatment center's statewide maximum number of dispensing~~
267 ~~facilities established under sub-subparagraph a., rounded to the~~
268 ~~nearest whole number. The department shall ensure that such~~
269 ~~rounding does not cause a medical marijuana treatment center's~~
270 ~~total number of statewide dispensing facilities to exceed its~~
271 ~~statewide maximum. The department shall initially calculate the~~
272 ~~maximum number of dispensing facilities allowed in each region~~
273 ~~for each medical marijuana treatment center using county~~
274 ~~population estimates from the Florida Estimates of Population~~
275 ~~2016, as published by the Office of Economic and Demographic~~
276 ~~Research, and shall perform recalcuations following the~~
277 ~~official release of county population data resulting from each~~
278 ~~United States Decennial Census. For the purposes of this~~
279 ~~subparagraph:~~

280 ~~(I) The Northwest Region consists of Bay, Calhoun,~~
281 ~~Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,~~
282 ~~Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,~~
283 ~~Walton, and Washington Counties.~~

284 ~~(II) The Northeast Region consists of Alachua, Baker,~~
285 ~~Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,~~
286 ~~Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,~~
287 ~~Suwannee, and Union Counties.~~

288 ~~(III) The Central Region consists of Brevard, Citrus,~~
289 ~~Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,~~
290 ~~Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia~~

24-00500-19

20191322__

291 ~~Counties.~~

292 ~~(IV) The Southwest Region consists of Charlotte, Collier,~~
293 ~~DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,~~
294 ~~Okeechobee, and Sarasota Counties.~~

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

297 ~~e. If a medical marijuana treatment center establishes a~~
298 ~~number of dispensing facilities within a region that is less~~
299 ~~than the number allowed for that region under sub-subparagraph~~
300 ~~b., the medical marijuana treatment center may sell one or more~~
301 ~~of its unused dispensing facility slots to other licensed~~
302 ~~medical marijuana treatment centers. For each dispensing~~
303 ~~facility slot that a medical marijuana treatment center sells,~~
304 ~~that medical marijuana treatment center's statewide maximum~~
305 ~~number of dispensing facilities, as determined under sub-~~
306 ~~subparagraph a., is reduced by one. The statewide maximum number~~
307 ~~of dispensing facilities for a medical marijuana treatment~~
308 ~~center that purchases an unused dispensing facility slot is~~
309 ~~increased by one per slot purchased. Additionally, the sale of a~~
310 ~~dispensing facility slot shall reduce the seller's regional~~
311 ~~maximum and increase the purchaser's regional maximum number of~~
312 ~~dispensing facilities, as determined in sub-subparagraph b., by~~
313 ~~one for that region. For any slot purchased under this sub-~~
314 ~~subparagraph, the regional restriction applied to that slot's~~
315 ~~location under sub-subparagraph b. before the purchase shall~~
316 ~~remain in effect following the purchase. A medical marijuana~~
317 ~~treatment center that sells or purchases a dispensing facility~~
318 ~~slot must notify the department within 3 days of sale.~~

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

24-00500-19

20191322__

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321 ~~If this subparagraph or its application to any person or~~
322 ~~circumstance is held invalid, the invalidity does not affect~~
323 ~~other provisions or applications of this act which can be given~~
324 ~~effect without the invalid provision or application, and to this~~
325 ~~end, the provisions of this subparagraph are severable.~~

326 ~~(b) An applicant for licensure as a medical marijuana~~
327 ~~treatment center shall apply to the department on a form~~
328 ~~prescribed by the department and adopted in rule. The department~~
329 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
330 ~~establishing a procedure for the issuance and biennial renewal~~
331 ~~of licenses, including initial application and biennial renewal~~
332 ~~fees sufficient to cover the costs of implementing and~~
333 ~~administering this section, and establishing supplemental~~
334 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
335 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
336 ~~department shall identify applicants with strong diversity plans~~
337 ~~reflecting this state's commitment to diversity and implement~~
338 ~~training programs and other educational programs to enable~~
339 ~~minority persons and minority business enterprises, as defined~~
340 ~~in s. 288.703, and veteran business enterprises, as defined in~~
341 ~~s. 295.187, to compete for medical marijuana treatment center~~
342 ~~licensure and contracts. Subject to the requirements in~~
343 ~~subparagraphs (a)2.-4., the department shall issue a license to~~
344 ~~an applicant if the applicant meets the requirements of this~~
345 ~~section and pays the initial application fee. The department~~
346 ~~shall renew the licensure of a medical marijuana treatment~~
347 ~~center biennially if the licensee meets the requirements of this~~
348 ~~section and pays the biennial renewal fee. An individual may not~~

24-00500-19

20191322__

349 ~~be an applicant, owner, officer, board member, or manager on~~
350 ~~more than one application for licensure as a medical marijuana~~
351 ~~treatment center. An individual or entity may not be awarded~~
352 ~~more than one license as a medical marijuana treatment center.~~
353 ~~An applicant for licensure as a medical marijuana treatment~~
354 ~~center must demonstrate:~~

355 ~~1. That, for the 5 consecutive years before submitting the~~
356 ~~application, the applicant has been registered to do business in~~
357 ~~the state.~~

358 ~~2. Possession of a valid certificate of registration issued~~
359 ~~by the Department of Agriculture and Consumer Services pursuant~~
360 ~~to s. 581.131.~~

361 ~~3. The technical and technological ability to cultivate and~~
362 ~~produce marijuana, including, but not limited to, low-THC~~
363 ~~cannabis.~~

364 ~~4. The ability to secure the premises, resources, and~~
365 ~~personnel necessary to operate as a medical marijuana treatment~~
366 ~~center.~~

367 ~~5. The ability to maintain accountability of all raw~~
368 ~~materials, finished products, and any byproducts to prevent~~
369 ~~diversion or unlawful access to or possession of these~~
370 ~~substances.~~

371 ~~6. An infrastructure reasonably located to dispense~~
372 ~~marijuana to registered qualified patients statewide or~~
373 ~~regionally as determined by the department.~~

374 ~~7. The financial ability to maintain operations for the~~
375 ~~duration of the 2-year approval cycle, including the provision~~
376 ~~of certified financial statements to the department.~~

377 ~~a. Upon approval, the applicant must post a \$5 million~~

24-00500-19

20191322__

378 ~~performance bond issued by an authorized surety insurance~~
379 ~~company rated in one of the three highest rating categories by a~~
380 ~~nationally recognized rating service. However, a medical~~
381 ~~marijuana treatment center serving at least 1,000 qualified~~
382 ~~patients is only required to maintain a \$2 million performance~~
383 ~~bond.~~

384 ~~b. In lieu of the performance bond required under sub-~~
385 ~~subparagraph a., the applicant may provide an irrevocable letter~~
386 ~~of credit payable to the department or provide cash to the~~
387 ~~department. If provided with cash under this sub-subparagraph,~~
388 ~~the department shall deposit the cash in the Grants and~~
389 ~~Donations Trust Fund within the Department of Health, subject to~~
390 ~~the same conditions as the bond regarding requirements for the~~
391 ~~applicant to forfeit ownership of the funds. If the funds~~
392 ~~deposited under this sub-subparagraph generate interest, the~~
393 ~~amount of that interest shall be used by the department for the~~
394 ~~administration of this section.~~

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

397 ~~9. The employment of a medical director to supervise the~~
398 ~~activities of the medical marijuana treatment center.~~

399 ~~10. A diversity plan that promotes and ensures the~~
400 ~~involvement of minority persons and minority business~~
401 ~~enterprises, as defined in s. 288.703, or veteran business~~
402 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
403 ~~and employment. An applicant for licensure renewal must show the~~
404 ~~effectiveness of the diversity plan by including the following~~
405 ~~with his or her application for renewal:~~

406 ~~a. Representation of minority persons and veterans in the~~

24-00500-19

20191322__

407 ~~medical marijuana treatment center's workforce;~~

408 ~~b. Efforts to recruit minority persons and veterans for~~
 409 ~~employment; and~~

410 ~~e. A record of contracts for services with minority~~
 411 ~~business enterprises and veteran business enterprises.~~

412 ~~(c) A medical marijuana treatment center may not make a~~
 413 ~~wholesale purchase of marijuana from, or a distribution of~~
 414 ~~marijuana to, another medical marijuana treatment center, unless~~
 415 ~~the medical marijuana treatment center seeking to make a~~
 416 ~~wholesale purchase of marijuana submits proof of harvest failure~~
 417 ~~to the department.~~

418 ~~(d) Department responsibilities.~~The department shall:

419 1. Adopt by rule:

420 a. Operating standards for the cultivation, processing,
 421 packaging, and labeling of marijuana;

422 b. Standards for the sale of marijuana; and

423 c. Procedures and requirements for:

424 (I) The registration and registration renewal of medical
 425 marijuana treatment centers (MMTCs);

426 (II) The issuance and renewal of cultivation, processing,
 427 retail, and transportation operating licenses;

428 (III) The issuance and renewal of cultivation, processing,
 429 dispensary, and storage facility permits and of vehicle permits;

430 (IV) The registration of all principals, employees, and
 431 contractors of an MMTC who will participate in the operations of
 432 the MMTC; and

433 (V) The issuance of MMTC employee identification cards to
 434 registered principals, employees, and contractors of MMTCs.

435 2. Establish, maintain, and control a computer software

24-00500-19

20191322__

436 tracking system that traces marijuana from seed to sale and
437 allows real-time, 24-hour access by the department to data from
438 all MMTCs ~~medical marijuana treatment centers~~ and marijuana
439 testing laboratories. The tracking system must allow for
440 integration of other seed-to-sale systems and, at a minimum,
441 include notification of when marijuana seeds are planted, when
442 marijuana plants are harvested and destroyed, and when marijuana
443 is transported, sold, stolen, diverted, or lost. Each MMTC must
444 ~~medical marijuana treatment center~~ shall use the seed-to-sale
445 tracking system established by the department or integrate its
446 own seed-to-sale tracking system with the seed-to-sale tracking
447 system established by the department. Each MMTC ~~medical~~
448 ~~marijuana treatment center~~ may use its own seed-to-sale system
449 until the department establishes a seed-to-sale tracking system.
450 The department may contract with a vendor to establish the seed-
451 to-sale tracking system. The vendor selected by the department
452 may not have a contractual relationship with the department to
453 perform any services pursuant to this section other than the
454 seed-to-sale tracking system. The vendor may not have a direct
455 or indirect financial interest in an MMTC ~~a medical marijuana~~
456 ~~treatment center~~ or a marijuana testing laboratory.

457 (b) Registration.-

458 1. The department shall adopt by rule an MMTC registration
459 form that must, at a minimum, require an applicant to provide:

460 a. Its full legal name;

461 b. The physical address of each location where it will
462 apply for a facility permit to cultivate, process, dispense, or
463 store marijuana;

464 c. The name, address, and date of birth of its principals;

24-00500-19

20191322__

465 d. The name, address, and date of birth of its current
466 employees and contractors who will participate in the operations
467 of the MMTC; and

468 e. The operation or operations in which it intends to
469 engage, which may include one or more of the following:

470 (I) Cultivation.

471 (II) Processing.

472 (III) Retail.

473 (IV) Transportation.

474 2. To be registered as an MMTC, an applicant must submit to
475 the department:

476 a. The applicant's completed registration form;

477 b. Personnel registration forms, as described in subsection
478 (9), for all principals, employees, and contractors listed on
479 the applicant's registration form who will participate in the
480 operations of the MMTC. The department may not register the
481 applicant as an MMTC until all principals, employees, and
482 contractors listed on the applicant's registration form have
483 registered with the department and are issued MMTC employee
484 identification cards;

485 c. Proof that all principals listed on the applicant's
486 registration form who will not participate in the operations of
487 the MMTC have passed a level 2 background screening pursuant to
488 chapter 435 within the previous year;

489 d. Proof that the MMTC has the capability to comply with
490 seed-to-sale tracking system requirements;

491 e. Proof of the applicant's financial ability to maintain
492 operations for the duration of the registration; and

493 f. A \$1 million performance and compliance bond, to be

24-00500-19

20191322__

494 forfeited if the MMTC fails to comply with:

495 (I) Registration requirements in this subsection during the
496 registration period; or

497 (II) Material requirements of this section which are
498 applicable to the functions the applicant intends to perform, as
499 indicated on the registration form.

500 3. A registration expires 2 years after the date issued.

501 4. An MMTC must obtain an operating license for each
502 operation it will perform. Registration as an MMTC is not
503 sufficient to cultivate, process, dispense, or transport
504 marijuana.

505 (c) Cultivation licenses and processing licenses.—

506 1. A registered MMTC may apply for a cultivation license, a
507 processing license, or both. When applying, the MMTC must
508 provide the department, at a minimum, all of the following:

509 a. A completed cultivation license or processing license
510 application form.

511 b. The physical address of each location where marijuana
512 will be cultivated, processed, or stored.

513 c. Proof of an established infrastructure or the ability to
514 establish an infrastructure in a reasonable amount of time which
515 is designed for cultivation, processing, testing, packaging, and
516 labeling marijuana and to maintain the infrastructure's security
517 and prevent the theft or diversion of any marijuana, as
518 applicable to the license or licenses requested.

519 d. Proof that the applicant possesses the technical and
520 technological ability to cultivate and test marijuana or process
521 and test marijuana, as applicable to the license or licenses
522 requested.

24-00500-19

20191322__

523 e. Proof of operating procedures designed to secure and
524 maintain accountability for all marijuana and marijuana-related
525 byproducts that come into the applicant's possession, and to
526 comply with the required seed-to-sale tracking system.

527 2. Cultivation licenses and processing licenses expire 2
528 years after the date issued. In order to renew a license, the
529 licensee must meet all of the requirements for initial
530 licensure; must provide all of the documentation required under
531 subparagraph 1.; and must not have any uncorrected substantial
532 violations of the standards adopted by department rule for the
533 cultivation, processing, testing, packaging, and labeling of
534 marijuana.

535 3. Before beginning cultivation or processing at any
536 location, the licensee must obtain a facility permit from the
537 department for that location pursuant to paragraph (g).

538 4. Licensees under this subsection may use contractors to
539 assist with the cultivation or processing of marijuana, as
540 applicable, but the licensee is ultimately responsible for all
541 of the operations performed by each contractor relating to the
542 cultivation or processing of marijuana and is responsible for
543 the physical possession of all marijuana. All work done by a
544 contractor must be performed at a location with a facility
545 permit issued by the department. All principals and employees of
546 contractors who participate in the operations of the licensee
547 must be registered with the department and issued MMTC employee
548 identification cards.

549 5. All marijuana byproducts that cannot be processed or
550 that cannot be reprocessed must be destroyed by the cultivation
551 licensee or processing licensee or its contractor within 30 days

24-00500-19

20191322__

552 after the production of the byproducts.

553 6. Licensees under this subsection may wholesale marijuana
554 only to other registered MMTCs.

555 7. Transportation or delivery of marijuana outside of the
556 property owned by a licensee under this subsection may be
557 performed only by an MMTC that holds a transportation license
558 issued pursuant to paragraph (f).

559 ~~(e) A licensed medical marijuana treatment center shall~~
560 ~~cultivate, process, transport, and dispense marijuana for~~
561 ~~medical use. A licensed medical marijuana treatment center may~~
562 ~~not contract for services directly related to the cultivation,~~
563 ~~processing, and dispensing of marijuana or marijuana delivery~~
564 ~~devices, except that a medical marijuana treatment center~~
565 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
566 ~~single entity for the cultivation, processing, transporting, and~~
567 ~~dispensing of marijuana and marijuana delivery devices. A~~
568 ~~licensed medical marijuana treatment center must, at all times,~~
569 ~~maintain compliance with the criteria demonstrated and~~
570 ~~representations made in the initial application and the criteria~~
571 ~~established in this subsection. Upon request, the department may~~
572 ~~grant a medical marijuana treatment center a variance from the~~
573 ~~representations made in the initial application. Consideration~~
574 ~~of such a request shall be based upon the individual facts and~~
575 ~~circumstances surrounding the request. A variance may not be~~
576 ~~granted unless the requesting medical marijuana treatment center~~
577 ~~can demonstrate to the department that it has a proposed~~
578 ~~alternative to the specific representation made in its~~
579 ~~application which fulfills the same or a similar purpose as the~~
580 ~~specific representation in a way that the department can~~

24-00500-19

20191322__

581 ~~reasonably determine will not be a lower standard than the~~
582 ~~specific representation in the application. A variance may not~~
583 ~~be granted from the requirements in subparagraph 2. and~~
584 ~~subparagraphs (b)1. and 2.~~

585 ~~1. A licensed medical marijuana treatment center may~~
586 ~~transfer ownership to an individual or entity who meets the~~
587 ~~requirements of this section. A publicly traded corporation or~~
588 ~~publicly traded company that meets the requirements of this~~
589 ~~section is not precluded from ownership of a medical marijuana~~
590 ~~treatment center. To accommodate a change in ownership:~~

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

594 ~~b. The individual or entity applying for initial licensure~~
595 ~~due to a change of ownership must submit an application that~~
596 ~~must be received by the department at least 60 days before the~~
597 ~~date of change of ownership.~~

598 ~~e. Upon receipt of an application for a license, the~~
599 ~~department shall examine the application and, within 30 days~~
600 ~~after receipt, notify the applicant in writing of any apparent~~
601 ~~errors or omissions and request any additional information~~
602 ~~required.~~

603 ~~d. Requested information omitted from an application for~~
604 ~~licensure must be filed with the department within 21 days after~~
605 ~~the department's request for omitted information or the~~
606 ~~application shall be deemed incomplete and shall be withdrawn~~
607 ~~from further consideration and the fees shall be forfeited.~~

608
609 ~~Within 30 days after the receipt of a complete application, the~~

24-00500-19

20191322__

610 ~~department shall approve or deny the application.~~

611 ~~2. A medical marijuana treatment center, and any individual~~
612 ~~or entity who directly or indirectly owns, controls, or holds~~
613 ~~with power to vote 5 percent or more of the voting shares of a~~
614 ~~medical marijuana treatment center, may not acquire direct or~~
615 ~~indirect ownership or control of any voting shares or other form~~
616 ~~of ownership of any other medical marijuana treatment center.~~

617 ~~3. A medical marijuana treatment center may not enter into~~
618 ~~any form of profit-sharing arrangement with the property owner~~
619 ~~or lessor of any of its facilities where cultivation,~~
620 ~~processing, storing, or dispensing of marijuana and marijuana~~
621 ~~delivery devices occurs.~~

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

625 ~~5. Each medical marijuana treatment center must adopt and~~
626 ~~enforce policies and procedures to ensure employees and~~
627 ~~volunteers receive training on the legal requirements to~~
628 ~~dispense marijuana to qualified patients.~~

629 ~~8.6.~~ When growing marijuana, a licensed cultivation MMTC
630 ~~medical marijuana treatment center:~~

631 a. May use pesticides determined by the department, after
632 consultation with the Department of Agriculture and Consumer
633 Services, to be safely applied to plants intended for human
634 consumption, but may not use pesticides designated as
635 restricted-use pesticides pursuant to s. 487.042.

636 b. Must grow marijuana within an enclosed permitted
637 cultivation facility ~~structure~~ and in a room separate from any
638 other plant.

24-00500-19

20191322__

639 c. Must inspect seeds and growing plants for plant pests
640 that endanger or threaten the horticultural and agricultural
641 interests of the state in accordance with chapter 581 and any
642 rules adopted thereunder.

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

646 ~~7. Each medical marijuana treatment center must produce and~~
647 ~~make available for purchase at least one low-THC cannabis~~
648 ~~product.~~

649 9.8. An MMTC ~~A medical marijuana treatment center~~ that
650 produces edibles must hold a permit to operate as a food
651 establishment pursuant to chapter 500, the Florida Food Safety
652 Act, and must comply with all the requirements for food
653 establishments pursuant to chapter 500 and any rules adopted
654 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
655 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
656 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
657 may have a potency variance of no greater than 15 percent.
658 Edibles may not be attractive to children; be manufactured in
659 the shape of humans, cartoons, or animals; be manufactured in a
660 form that bears any reasonable resemblance to products available
661 for consumption as commercially available candy; or contain any
662 color additives. To discourage consumption of edibles by
663 children, the department shall determine by rule any shapes,
664 forms, and ingredients allowed and prohibited for edibles. MMTCs
665 ~~Medical marijuana treatment centers~~ may not begin processing or
666 dispensing edibles until after the effective date of the rule.
667 The department shall also adopt sanitation rules providing the

24-00500-19

20191322__

668 standards and requirements for the storage, display, or
669 dispensing of edibles.

670 ~~9. Within 12 months after licensure, a medical marijuana~~
671 ~~treatment center must demonstrate to the department that all of~~
672 ~~its processing facilities have passed a Food Safety Good~~
673 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
674 ~~or equivalent, inspection by a nationally accredited certifying~~
675 ~~body. A medical marijuana treatment center must immediately stop~~
676 ~~processing at any facility which fails to pass this inspection~~
677 ~~until it demonstrates to the department that such facility has~~
678 ~~met this requirement.~~

679 10. When processing marijuana, a licensed processing MMTC
680 ~~medical marijuana treatment center~~ must:

681 a. Process the marijuana within an enclosed permitted
682 processing facility structure and in a room separate from other
683 plants or products.

684 b. Comply with department rules when processing marijuana
685 with hydrocarbon solvents or other solvents or gases exhibiting
686 potential toxicity to humans. The department shall determine by
687 rule the requirements for MMTCs ~~medical marijuana treatment~~
688 ~~centers~~ to use such solvents or gases exhibiting potential
689 toxicity to humans.

690 c. Comply with federal and state laws and regulations and
691 department rules for solid and liquid wastes. The department
692 shall determine by rule procedures for the storage, handling,
693 transportation, management, and disposal of solid and liquid
694 waste generated during marijuana production and processing. The
695 Department of Environmental Protection shall assist the
696 department in developing such rules.

24-00500-19

20191322__

697 d. Test the processed marijuana using a medical marijuana
698 testing laboratory before it is sold or dispensed. Results must
699 be verified and signed by two MMTC ~~medical-marijuana-treatment~~
700 ~~center~~ employees. Before dispensing, the MMTC ~~medical-marijuana~~
701 ~~treatment-center~~ must determine that the test results indicate
702 that low-THC cannabis meets the definition of low-THC cannabis,
703 the concentration of tetrahydrocannabinol meets the potency
704 requirements of this section, the labeling of the concentration
705 of tetrahydrocannabinol and cannabidiol is accurate, and all
706 marijuana is safe for human consumption and free from
707 contaminants that are unsafe for human consumption. The
708 department shall determine by rule which contaminants must be
709 tested for and the maximum levels of each contaminant which are
710 safe for human consumption. The Department of Agriculture and
711 Consumer Services shall assist the department in developing the
712 testing requirements for contaminants that are unsafe for human
713 consumption in edibles. The department shall also determine by
714 rule the procedures for the treatment of marijuana that fails to
715 meet the testing requirements of this section, s. 381.988, or
716 department rule. The department may select a random sample from
717 edibles available for purchase in a dispensing facility which
718 shall be tested by the department to determine that the edible
719 meets the potency requirements of this section, is safe for
720 human consumption, and the labeling of the tetrahydrocannabinol
721 and cannabidiol concentration is accurate. An MMTC ~~A medical~~
722 ~~marijuana-treatment-center~~ may not require payment from the
723 department for the sample. An MMTC ~~A medical-marijuana-treatment~~
724 ~~center~~ must recall edibles, including all edibles made from the
725 same batch of marijuana, which fail to meet the potency

24-00500-19

20191322__

726 requirements of this section, which are unsafe for human
727 consumption, or for which the labeling of the
728 tetrahydrocannabinol and cannabidiol concentration is
729 inaccurate. The MMTC ~~medical-marijuana-treatment-center~~ must
730 retain records of all testing and samples of each homogenous
731 batch of marijuana for at least 9 months. The MMTC ~~medical-~~
732 ~~marijuana-treatment-center~~ must contract with a marijuana
733 testing laboratory to perform audits on the MMTC's ~~medical-~~
734 ~~marijuana-treatment-center's~~ standard operating procedures,
735 testing records, and samples and provide the results to the
736 department to confirm that the marijuana or low-THC cannabis
737 meets the requirements of this section and that the marijuana or
738 low-THC cannabis is safe for human consumption. An MMTC A
739 ~~medical-marijuana-treatment-center~~ shall reserve two processed
740 samples from each batch and retain such samples for at least 9
741 months for the purpose of such audits. An MMTC A ~~medical-~~
742 ~~marijuana-treatment-center~~ may use a laboratory that has not
743 been certified by the department under s. 381.988 until such
744 time as at least one laboratory holds the required
745 certification, ~~but in no event later than July 1, 2018.~~

746 e. Package the marijuana in compliance with the United
747 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
748 1471 et seq.

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

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

753 (II) The name of the MMTC ~~medical-marijuana-treatment~~
754 ~~center~~ from which the marijuana originates.

24-00500-19

20191322__

755 (III) The batch number and harvest number from which the
756 marijuana originates and the date sold or dispensed.

757 ~~(IV) The name of the physician who issued the physician~~
758 ~~certification.~~

759 ~~(V) The name of the patient.~~

760 (IV)~~(VI)~~ The product name, if applicable, and dosage form,
761 including concentration of tetrahydrocannabinol and cannabidiol.
762 The product name may not contain wording commonly associated
763 with products marketed by or to children.

764 (V)~~(VII)~~ The recommended dose.

765 (VI)~~(VIII)~~ A warning that it is illegal to transfer medical
766 marijuana to another person.

767 (VII)~~(IX)~~ A marijuana universal symbol developed by the
768 department.

769 11. The MMTC that packages the marijuana ~~medical-marijuana~~
770 ~~treatment center~~ shall include in each package a patient package
771 insert with information on the specific product dispensed
772 related to:

- 773 a. Clinical pharmacology.
774 b. Indications and use.
775 c. Dosage and administration.
776 d. Dosage forms and strengths.
777 e. Contraindications.
778 f. Warnings and precautions.
779 g. Adverse reactions.

780 12. Each edible shall be individually sealed in plain,
781 opaque wrapping marked only with the marijuana universal symbol.
782 Where practical, each edible shall be marked with the marijuana
783 universal symbol. In addition to the packaging and labeling

24-00500-19

20191322__

784 requirements in subparagraphs 10. and 11., edible receptacles
785 must be plain, opaque, and white without depictions of the
786 product or images other than the MMTC's ~~medical-marijuana~~
787 ~~treatment center's~~ department-approved logo and the marijuana
788 universal symbol. The receptacle must also include a list all of
789 the edible's ingredients, storage instructions, an expiration
790 date, a legible and prominent warning to keep away from children
791 and pets, and a warning that the edible has not been produced or
792 inspected pursuant to federal food safety laws.

793 (d) Retail licenses.—

794 1. A registered MMTC may apply for a retail license. When
795 applying, the MMTC must provide the department, at a minimum,
796 all of the following:

797 a. A completed retail license application form.

798 b. A statement by the applicant indicating whether the
799 applicant intends to dispense by delivery. A retail licensee may
800 not deliver marijuana without also obtaining a transportation
801 license pursuant to paragraph (f).

802 c. The physical address of each location where marijuana
803 will be dispensed or stored.

804 d. Identifying information for all other current or
805 previous retail licenses held by the applicant or any of the
806 applicant's principals.

807 e. Proof of operating procedures designed to secure and
808 maintain accountability for all marijuana that the applicant
809 receives and possesses; to ensure that the allowed amount of
810 marijuana and the specified type of marijuana is correctly
811 dispensed to a qualified patient or his or her caregiver
812 pursuant to a physician certification; and to monitor the

24-00500-19

20191322__

813 medical marijuana patient registry and electronically update the
814 registry with dispensing information.

815 2. A retail license expires 2 years after the date it is
816 issued. The retail licensee must apply for a renewed license
817 before the expiration date. In order to renew a license, a
818 retail licensee must meet all of the requirements for initial
819 licensure; must provide all of the documents required under
820 paragraph (a); and must not have any outstanding substantial
821 violations of the applicable standards adopted by department
822 rule.

823 3. Before beginning to dispense or store marijuana, the
824 licensee must obtain a facility permit from the department for
825 each location where marijuana will be dispensed or stored. If a
826 facility's permit expires or is suspended or revoked, the MMTC
827 must cease all applicable operations at that facility until the
828 department inspects the facility and renews or reinstates the
829 facility's permit.

830 4. A dispensary facility may not repackage or modify
831 marijuana that has already been packaged for dispensary sale by
832 a cultivation licensee or processing licensee, unless the
833 repackaging is of unprocessed marijuana and is done in
834 accordance with instructions from the cultivator and such
835 repackaging is documented in the required seed-to-sale tracking
836 system.

837 5. A retail licensee may contract with an MMTC that has a
838 transportation license to transport marijuana between properties
839 owned by the retail licensee, to deliver the marijuana to the
840 residence of a qualified patient, and to pick up returns of
841 marijuana.

24-00500-19

20191322__

842 6. Onsite consumption or administration of marijuana at a
843 dispensary facility is prohibited.

844 7.13. When dispensing marijuana or a marijuana delivery
845 device, a licensed retail MMTC ~~medical marijuana treatment~~
846 ~~center~~:

847 a. May dispense any active, valid order for low-THC
848 cannabis, medical cannabis and cannabis delivery devices issued
849 pursuant to former s. 381.986, Florida Statutes 2016, which was
850 entered into the medical marijuana use registry before July 1,
851 2017.

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

854 c. Must have the MMTC's ~~medical marijuana treatment~~
855 ~~center's~~ employee who dispenses the marijuana or a marijuana
856 delivery device enter into the medical marijuana use registry
857 his or her name or unique employee identifier.

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

866 e. Must label the marijuana or the marijuana delivery
867 device with the name of the physician who issued the physician
868 certification and the name of the patient for whom the
869 certification was issued before it is dispensed.

870 ~~f.e.~~ May not dispense marijuana to a qualified patient who

24-00500-19

20191322__

871 is younger than 18 years of age. If the qualified patient is
872 younger than 18 years of age, marijuana may only be dispensed to
873 the qualified patient's caregiver.

874 ~~g.f.~~ May not dispense or sell any other type of cannabis,
875 alcohol, or illicit drug-related product, ~~including pipes,~~
876 ~~bongs, or wrapping papers,~~ other than a marijuana delivery
877 device required for the medical use of marijuana and which is
878 specified in a physician certification.

879 ~~h.g.~~ Must, upon dispensing the marijuana or marijuana
880 delivery device, record in the registry the date, time,
881 quantity, and form of marijuana dispensed; the type of marijuana
882 delivery device dispensed; and the name and medical marijuana
883 use registry identification number of the qualified patient or
884 caregiver to whom the marijuana delivery device was dispensed.

885 ~~i.h.~~ Must ensure that patient records are not visible to
886 anyone other than the qualified patient, his or her caregiver,
887 and authorized MMTC ~~medical marijuana treatment center~~
888 employees.

889 ~~(e)(f)~~ Security.—To ensure the safety and security of
890 premises where the cultivation, processing, storing, or
891 dispensing of marijuana occurs, and to maintain adequate
892 controls against the diversion, theft, and loss of marijuana or
893 marijuana delivery devices, an MMTC ~~a medical marijuana~~
894 ~~treatment center~~ shall:

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

899 b. Maintain a video surveillance system that records

24-00500-19

20191322__

900 continuously 24 hours a day and meets the following criteria:

901 (I) Cameras are fixed in a place that allows for the clear
902 identification of persons and activities in controlled areas of
903 the premises. Controlled areas include grow rooms, processing
904 rooms, storage rooms, disposal rooms or areas, and point-of-sale
905 rooms.

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

909 (III) Recorded images must clearly and accurately display
910 the time and date.

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

913 2. Ensure that the MMTC's ~~medical marijuana treatment~~
914 ~~center's~~ outdoor premises have sufficient lighting from dusk
915 until dawn.

916 3. Ensure that the indoor premises where dispensing occurs
917 includes a waiting area with sufficient space and seating to
918 accommodate qualified patients and caregivers and at least one
919 private consultation area that is isolated from the waiting area
920 and area where dispensing occurs. An MMTC ~~A medical marijuana~~
921 ~~treatment center~~ may not display products or dispense marijuana
922 or marijuana delivery devices in the waiting area.

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

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

928 6. Require at least two of its employees, or two employees

24-00500-19

20191322__

929 of a security agency with whom it contracts, to be on the
 930 premises at all times where cultivation, processing, or storing
 931 of marijuana occurs.

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

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

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

937 10. Report to local law enforcement within 24 hours after
 938 the MMTC ~~medical marijuana treatment center~~ is notified or
 939 becomes aware of the theft, diversion, or loss of marijuana.

940 (f) Transportation licenses; vehicle permits.-

941 1. A registered MMTC may apply for a transportation
 942 license. When applying, the MMTC must provide the department, at
 943 a minimum, all of the following:

944 a. The physical address of the MMTC's place of business.

945 b. Proof of a documentation system in accordance with the
 946 required seed-to-sale tracking system, including transportation
 947 manifests, for transporting marijuana between licensed
 948 facilities and to qualified patients.

949 c. Proof of health and sanitation standards for the
 950 transportation of marijuana.

951 d. Proof that all marijuana transported between licensed
 952 facilities will be transported in tamper-evident shipping
 953 containers.

954 2. Marijuana may not be transported on the property of an
 955 airport, a seaport, a spaceport, or any property of the Federal
 956 Government.

957 3. A transportation licensee may transport marijuana and

24-00500-19

20191322__

958 marijuana delivery devices only in a vehicle that is owned or
959 leased by the licensee or a contractor of the licensee and for
960 which a valid vehicle permit has been issued by the department.

961 4. A vehicle permit may be obtained by an MMTC holding a
962 transportation license upon submission of an application. The
963 MMTC must designate as the driver for each permitted vehicle an
964 employee or contracted employee who is registered with the
965 department and who is authorized to possess marijuana when not
966 on the property of the MMTC. Such designation must be displayed
967 in the vehicle at all times. Each permitted vehicle must be GPS-
968 monitored. A vehicle permit remains valid and does not expire
969 unless the MMTC or its contractor disposes of the permitted
970 vehicle or the MMTC's registration or transportation license is
971 transferred, canceled, not renewed, or revoked by the
972 department. The department shall cancel a vehicle permit upon
973 the request of the MMTC or its contractor.

974 5. When transporting marijuana, a permitted vehicle is
975 subject to inspection and search without a search warrant by
976 authorized employees of the department, sheriffs, deputy
977 sheriffs, police officers, or other law enforcement officers to
978 determine that the MMTC is operating in compliance with this
979 section.

980 6. An MMTC with a transportation license may deliver, or
981 contract for the delivery of, marijuana and marijuana delivery
982 devices to other MMTCs and to qualified patients and caregivers
983 within this state. When delivering to a qualified patient or
984 caregiver, an MMTC or its contractor must verify the identity of
985 the qualified patient upon placement of the delivery order and
986 again upon delivery. Deliveries may only be made to the same

24-00500-19

20191322__

987 qualified patient who placed the order or his or her caregiver.
988 A county or municipality may not prohibit deliveries of
989 marijuana and marijuana delivery devices to qualified patients
990 within the county or municipality. The department shall adopt
991 rules specific to the delivery of marijuana to qualified
992 patients and caregivers. Such rules must include:

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

996 b. A maximum dispensary value for all marijuana and
997 currency that may be in the possession of a registered MMTC
998 employee or contractor while he or she makes a delivery. The
999 value established by rule may not be less than \$5,000.

1000 7. Licensees under this subsection may use contractors to
1001 assist with the transportation of marijuana, but the licensee is
1002 ultimately responsible for all of the actions and operations of
1003 each contractor relating to the transportation of marijuana and
1004 must know the location of all marijuana at all times. All
1005 principals and employees of contractors contracted by a licensee
1006 under this subsection who will participate in the operations of
1007 the licensee must be registered with the department and issued
1008 MMTC employee identification cards.

1009 (g) Facility permits.-

1010 1. Before cultivating, processing, dispensing, or storing
1011 marijuana at any location, an MMTC must apply to the department
1012 for the applicable facility permit for that facility. The
1013 department must adopt by rule an application form. Upon
1014 receiving a request for a permit from a licensee, the department
1015 shall inspect the facility for compliance with this section and

24-00500-19

20191322__

1016 rules adopted hereunder, and, upon a determination of
1017 compliance, shall issue a permit to the facility. The department
1018 must issue or deny the facility permit within 30 days after
1019 receiving the request for a permit.

1020 2. A facility permit expires 2 years after the date it is
1021 issued. Each facility must be inspected by the department for
1022 compliance with this section and rules adopted hereunder before
1023 the facility's permit is renewed.

1024 3. If a facility permit expires or is suspended or revoked,
1025 the MMTC must cease all applicable operations at that facility
1026 until the department inspects the facility and renews or
1027 reinstates the facility's permit.

1028 4. Cultivation facilities and processing facilities must
1029 be:

1030 a. Insured with at least \$1 million of hazard and liability
1031 insurance per location; and

1032 b. Secure, closed to the public, and unless an ordinance
1033 allows the facility to be located within 1,000 feet, be located
1034 at least 1,000 feet away from any existing public or private
1035 elementary or secondary school, a child care facility as defined
1036 in s. 402.302, or a licensed service provider offering substance
1037 abuse services.

1038 5. All matters regarding the permitting and regulation of
1039 cultivation facilities and processing facilities, including the
1040 location of such facilities, are preempted to the state.

1041 6. Dispensary facilities and storage facilities must be:

1042 a. Insured with at least \$500,000 of hazard and liability
1043 insurance for each facility where marijuana is dispensed or
1044 stored; and

24-00500-19

20191322__

1045 b. Located at least 1,000 feet away from any existing
1046 public or private elementary or secondary school, child care
1047 facility as defined in s. 402.302, or licensed service provider
1048 offering substance abuse services.

1049 7. The governing body of a county or municipality may, by
1050 ordinance, prohibit dispensary facilities from being located
1051 within its jurisdiction but may not prohibit an MMTC with a
1052 retail license or its permitted storage facility from being
1053 located within its jurisdiction if the licensee is delivering or
1054 contracting to deliver marijuana to qualifying patients within
1055 the jurisdiction. The department may not issue a facility permit
1056 for a dispensary facility in a county or municipality where the
1057 board of county commissioners of that county or the city council
1058 or other legislative body of that municipality has adopted such
1059 an ordinance. A county or municipality may levy a local business
1060 tax on a dispensary facility. An ordinance adopted by a
1061 municipality or county pursuant to this paragraph may not:

1062 a. Provide exclusive access to one or several individuals
1063 or entities to operate dispensary facilities within the
1064 jurisdiction.

1065 b. Prohibit specific individuals or entities from operating
1066 a dispensary facility within the jurisdiction if the ordinance
1067 allows dispensary facilities to operate in the jurisdiction.

1068 c. Prohibit the delivery of marijuana to qualifying
1069 patients within the jurisdiction by a properly licensed MMTC
1070 located within the jurisdiction.

1071 8. The department may adopt by rule additional requirements
1072 for the permitting of cultivation, processing, dispensary, and
1073 storage facilities to ensure the sanitary, safe, and secure

24-00500-19

20191322__

1074 cultivation, processing, dispensing, storage, and sale of
1075 marijuana.

1076 ~~(g) To ensure the safe transport of marijuana and marijuana~~
1077 ~~delivery devices to medical marijuana treatment centers,~~
1078 ~~marijuana testing laboratories, or qualified patients, a medical~~
1079 ~~marijuana treatment center must:~~

1080 ~~1. Maintain a marijuana transportation manifest in any~~
1081 ~~vehicle transporting marijuana. The marijuana transportation~~
1082 ~~manifest must be generated from a medical marijuana treatment~~
1083 ~~center's seed-to-sale tracking system and include the:~~

1084 ~~a. Departure date and approximate time of departure.~~

1085 ~~b. Name, location address, and license number of the~~
1086 ~~originating medical marijuana treatment center.~~

1087 ~~c. Name and address of the recipient of the delivery.~~

1088 ~~d. Quantity and form of any marijuana or marijuana delivery~~
1089 ~~device being transported.~~

1090 ~~e. Arrival date and estimated time of arrival.~~

1091 ~~f. Delivery vehicle make and model and license plate~~
1092 ~~number.~~

1093 ~~g. Name and signature of the medical marijuana treatment~~
1094 ~~center employees delivering the product.~~

1095 ~~(I) A copy of the marijuana transportation manifest must be~~
1096 ~~provided to each individual, medical marijuana treatment center,~~
1097 ~~or marijuana testing laboratory that receives a delivery. The~~
1098 ~~individual, or a representative of the center or laboratory,~~
1099 ~~must sign a copy of the marijuana transportation manifest~~
1100 ~~acknowledging receipt.~~

1101 ~~(II) An individual transporting marijuana or a marijuana~~
1102 ~~delivery device must present a copy of the relevant marijuana~~

24-00500-19

20191322__

1103 ~~transportation manifest and his or her employee identification~~
1104 ~~card to a law enforcement officer upon request.~~

1105 ~~(III) Medical marijuana treatment centers and marijuana~~
1106 ~~testing laboratories must retain copies of all marijuana~~
1107 ~~transportation manifests for at least 3 years.~~

1108 ~~2. Ensure only vehicles in good working order are used to~~
1109 ~~transport marijuana.~~

1110 ~~3. Lock marijuana and marijuana delivery devices in a~~
1111 ~~separate compartment or container within the vehicle.~~

1112 ~~4. Require employees to have possession of their employee~~
1113 ~~identification card at all times when transporting marijuana or~~
1114 ~~marijuana delivery devices.~~

1115 ~~5. Require at least two persons to be in a vehicle~~
1116 ~~transporting marijuana or marijuana delivery devices, and~~
1117 ~~require at least one person to remain in the vehicle while the~~
1118 ~~marijuana or marijuana delivery device is being delivered.~~

1119 ~~6. Provide specific safety and security training to~~
1120 ~~employees transporting or delivering marijuana and marijuana~~
1121 ~~delivery devices.~~

1122 ~~(h) Advertising.-An MMTC~~ ~~A medical marijuana treatment~~
1123 ~~center may not engage in advertising that is visible to members~~
1124 ~~of the public from any street, sidewalk, park, or other public~~
1125 ~~place, except:~~

1126 ~~1. An MMTC dispensary facility~~ ~~The dispensing location of A~~
1127 ~~medical marijuana treatment center may have a sign that is~~
1128 ~~affixed to the outside or hanging in the window of the premises~~
1129 ~~which identifies the dispensary by the licensee's business name,~~
1130 ~~a department-approved trade name, or a department-approved logo.~~
1131 ~~An MMTC's~~ ~~A medical marijuana treatment center's trade name and~~

24-00500-19

20191322__

1132 logo may not contain wording or images commonly associated with
1133 marketing targeted toward children or which promote recreational
1134 use of marijuana.

1135 2. An MMTC ~~A medical marijuana treatment center~~ may engage
1136 in Internet advertising and marketing under the following
1137 conditions:

1138 a. All advertisements must be approved by the department.

1139 b. An advertisement may not have any content that
1140 specifically targets individuals under the age of 18, including
1141 cartoon characters or similar images.

1142 c. An advertisement may not be an unsolicited pop-up
1143 advertisement.

1144 d. Opt-in marketing must include an easy and permanent opt-
1145 out feature.

1146 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1147 ~~marijuana treatment center~~ that dispenses marijuana and
1148 marijuana delivery devices shall make available to the public on
1149 its website:

1150 1. Each marijuana and low-THC product available for
1151 purchase, including the form, strain of marijuana from which it
1152 was extracted, cannabidiol content, tetrahydrocannabinol
1153 content, dose unit, total number of doses available, and the
1154 ratio of cannabidiol to tetrahydrocannabinol for each product.

1155 2. The price for a 30-day, 50-day, and 70-day supply at a
1156 standard dose for each marijuana and low-THC product available
1157 for purchase.

1158 3. The price for each marijuana delivery device available
1159 for purchase.

1160 4. If applicable, any discount policies and eligibility

24-00500-19

20191322__

1161 criteria for such discounts.

1162 (j) Sourcing of marijuana for medical use.—~~MMTCs Medical~~
1163 ~~marijuana treatment centers~~ are the sole source from which a
1164 qualified patient may legally obtain marijuana.

1165 (k) Rulemaking.—The department may adopt rules pursuant to
1166 ss. 120.536(1) and 120.54 to implement this subsection.

1167 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1168 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1169 (a) By October 3, 2019, the department shall adopt rules to
1170 administer the registration of MMTC principals, employees, and
1171 contractors who participate in the operations of an MMTC. Before
1172 hiring or contracting with any individual who is not registered
1173 with the department or who does not possess a current MMTC
1174 employee identification card, an MMTC must submit to the
1175 department an application to register that person as an MMTC
1176 employee. The department shall adopt by rule a form for such
1177 applications which requires the applicant to provide all of the
1178 following:

1179 1. His or her full legal name, social security number, date
1180 of birth, and home address.

1181 2. A full-face, passport-type, color photograph of the
1182 applicant taken within the 90 days immediately preceding
1183 registration.

1184 3. Proof that he or she has passed a level 2 background
1185 screening pursuant to chapter 435 within the previous year.

1186 4. Whether the applicant will be authorized by the MMTC to
1187 possess marijuana while not on MMTC property.

1188 (b) Once the department has received a completed
1189 application from an MMTC, the department shall register the

24-00500-19

20191322__

1190 principal, employee, or contractor associated with the MMTC and
1191 issue him or her an MMTC employee identification card that, at a
1192 minimum, includes all of the following:

1193 1. The employee's name and the name of the MMTC that
1194 employs him or her.

1195 2. The employee's photograph, as required under paragraph
1196 (a).

1197 3. The expiration date of the card, which is 1 year after
1198 the date of its issuance.

1199 4. Whether the employee is authorized by the MMTC to
1200 possess marijuana while not on MMTC property.

1201 (c) If any information provided to the department for the
1202 registration of an MMTC principal, employee, or contractor or in
1203 the application for an MMTC employee identification card changes
1204 or if the registered person's employment status with the MMTC
1205 changes, the registered person and the MMTC must update the
1206 department with the new information or status within 7 days
1207 after the change.

1208 (d) The department may contract with one or more vendors
1209 for the purpose of issuing MMTC employee identification cards
1210 under this subsection.

1211 ~~(9) BACKGROUND SCREENING. An individual required to undergo~~
1212 ~~a background screening pursuant to this section must pass a~~
1213 ~~level 2 background screening as provided under chapter 435,~~
1214 ~~which, in addition to the disqualifying offenses provided in s.~~
1215 ~~435.04, shall exclude an individual who has an arrest awaiting~~
1216 ~~final disposition for, has been found guilty of, regardless of~~
1217 ~~adjudication, or has entered a plea of nolo contendere or guilty~~
1218 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~

24-00500-19

20191322__

1219 ~~similar law of another jurisdiction.~~

1220 ~~(a) Such individual must submit a full set of fingerprints~~
 1221 ~~to the department or to a vendor, entity, or agency authorized~~
 1222 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
 1223 ~~shall forward the fingerprints to the Department of Law~~
 1224 ~~Enforcement for state processing, and the Department of Law~~
 1225 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~
 1226 ~~of Investigation for national processing.~~

1227 ~~(b) Fees for state and federal fingerprint processing and~~
 1228 ~~retention shall be borne by the individual. The state cost for~~
 1229 ~~fingerprint processing shall be as provided in s. 943.053(3)(e)~~
 1230 ~~for records provided to persons or entities other than those~~
 1231 ~~specified as exceptions therein.~~

1232 ~~(c) Fingerprints submitted to the Department of Law~~
 1233 ~~Enforcement pursuant to this subsection shall be retained by the~~
 1234 ~~Department of Law Enforcement as provided in s. 943.05(2)(g) and~~
 1235 ~~(h) and, when the Department of Law Enforcement begins~~
 1236 ~~participation in the program, enrolled in the Federal Bureau of~~
 1237 ~~Investigation's national retained print arrest notification~~
 1238 ~~program. Any arrest record identified shall be reported to the~~
 1239 ~~department.~~

1240 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
 1241 ADMINISTRATIVE ACTIONS.—

1242 ~~(a) The department shall conduct announced or unannounced~~
 1243 ~~inspections of medical marijuana treatment centers to determine~~
 1244 ~~compliance with this section or rules adopted pursuant to this~~
 1245 ~~section.~~

1246 (a) ~~(b)~~ The department shall inspect an MMTC and its
 1247 facilities, as appropriate, ~~a medical marijuana treatment center~~

24-00500-19

20191322__

1248 upon receiving a complaint or notice that the MMTC ~~medical~~
1249 ~~marijuana treatment center~~ has dispensed marijuana containing
1250 mold, bacteria, or other contaminant that may cause or has
1251 caused an adverse effect to human health or the environment.

1252 (b) ~~(e)~~ The department shall conduct at least a biennial
1253 inspection of each MMTC ~~medical marijuana treatment center~~ to
1254 evaluate the MMTC's ~~medical marijuana treatment center's~~
1255 records, personnel, equipment, processes, security measures,
1256 sanitation practices, and quality assurance practices.

1257 (c) The department shall conduct at least a biennial
1258 inspection of each permitted facility. The department may
1259 conduct additional announced or unannounced inspections of a
1260 permitted facility within reasonable hours in order to ensure
1261 compliance with this section and rules adopted under this
1262 section.

1263 (d) The Department of Agriculture and Consumer Services and
1264 the department shall enter into an interagency agreement to
1265 ensure cooperation and coordination in the performance of their
1266 obligations under this section and their respective regulatory
1267 and authorizing laws. The department, the Department of Highway
1268 Safety and Motor Vehicles, and the Department of Law Enforcement
1269 may enter into interagency agreements for the purposes specified
1270 in this subsection or subsection (7).

1271 (e) The department shall publish a list of all approved
1272 MMTCs ~~medical marijuana treatment centers~~, medical directors,
1273 and qualified physicians on its website.

1274 (f) The department may impose reasonable fines not to
1275 exceed \$10,000 on an MMTC ~~a medical marijuana treatment center~~
1276 for any of the following violations:

24-00500-19

20191322__

- 1277 1. Violating this section or department rule.
- 1278 2. Failing to maintain qualifications for approval.
- 1279 3. Endangering the health, safety, or security of a
1280 qualified patient.
- 1281 4. Improperly disclosing personal and confidential
1282 information of the qualified patient.
- 1283 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1284 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1285 extortion.
- 1286 6. Being convicted or found guilty of, or entering a plea
1287 of guilty or nolo contendere to, regardless of adjudication, a
1288 crime in any jurisdiction which directly relates to the business
1289 of an MMTC ~~a medical marijuana treatment center~~.
- 1290 7. Making or filing a report or record that the MMTC
1291 ~~medical marijuana treatment center~~ knows to be false.
- 1292 8. Willfully failing to maintain a record required by this
1293 section or department rule.
- 1294 9. Willfully impeding or obstructing an employee or agent
1295 of the department in the furtherance of his or her official
1296 duties.
- 1297 10. Engaging in fraud or deceit, negligence, incompetence,
1298 or misconduct in the business practices of an MMTC ~~a medical~~
1299 ~~marijuana treatment center~~.
- 1300 11. Making misleading, deceptive, or fraudulent
1301 representations in or related to the business practices of an
1302 MMTC ~~a medical marijuana treatment center~~.
- 1303 12. Having a license or the authority to engage in any
1304 regulated profession, occupation, or business that is related to
1305 the business practices of an MMTC ~~a medical marijuana treatment~~

24-00500-19

20191322__

1306 ~~center~~ suspended, revoked, or otherwise acted against by the
1307 licensing authority of any jurisdiction, including its agencies
1308 or subdivisions, for a violation that would constitute a
1309 violation under Florida law.

1310 13. Violating a lawful order of the department or an agency
1311 of the state, or failing to comply with a lawfully issued
1312 subpoena of the department or an agency of the state.

1313 (g) The department may suspend, revoke, or refuse to renew
1314 an MMTC's registration, operating a ~~medical marijuana treatment~~
1315 ~~center~~ license, and any vehicle permits or facility permits if
1316 the MMTC ~~medical marijuana treatment center~~ commits any of the
1317 violations in paragraph (f).

1318 (h) The department may adopt rules pursuant to ss.
1319 120.536(1) and 120.54 to implement this subsection.

1320 (17) Rules adopted pursuant to this section before July 1,
1321 2019, are not subject to s. 120.541(3). An MMTC ~~Notwithstanding~~
1322 ~~paragraph (8) (e), A medical marijuana treatment center~~ may use a
1323 laboratory that has not been certified by the department under
1324 s. 381.988 until such time as at least one laboratory holds the
1325 required certification pursuant to s. 381.988, but in no event
1326 later than July 1, 2019. This subsection expires July 1, 2019.

1327 Section 2. A medical marijuana treatment center (MMTC)
1328 licensed by the Department of Health before July 1, 2019, may
1329 continue to operate under s. 381.986, Florida Statutes (2018),
1330 and any rules adopted thereunder, until the department is able
1331 to register and license MMTCs and to issue permits for their
1332 applicable facilities under this act. As soon as practicable,
1333 the department shall register each such licensed MMTC as an MMTC
1334 under this act. The department shall issue each such MMTC the

24-00500-19

20191322__

1335 appropriate operating licenses for cultivation, processing,
1336 retail, and transportation; issue the appropriate facility
1337 permits to each of the MMTC's facility locations; and issue a
1338 vehicle permit for any vehicle used by the MMTC for the
1339 transportation of marijuana. MMTC registrations, operating
1340 licenses, and facility permits issued under this section expire
1341 upon the later of the date upon which the MMTC facility's
1342 license issued pursuant to under s. 381.986, Florida Statutes
1343 (2018), would have expired or the date upon which the department
1344 has adopted rules and has established a process for renewing the
1345 applicable registrations, licenses, and permits.

1346 Section 3. This act shall take effect upon becoming a law.