

26 (a) The department shall license medical marijuana
27 treatment centers to ensure reasonable statewide accessibility
28 and availability as necessary for qualified patients registered
29 in the medical marijuana use registry and who are issued a
30 physician certification under this section.

31 1. As soon as practicable, but no later than July 3, 2017,
32 the department shall license as a medical marijuana treatment
33 center any entity that holds an active, unrestricted license to
34 cultivate, process, transport, and dispense low-THC cannabis,
35 medical cannabis, and cannabis delivery devices, under former s.
36 381.986, Florida Statutes 2016, before July 1, 2017, and which
37 meets the requirements of this section. In addition to the
38 authority granted under this section, these entities are
39 authorized to dispense low-THC cannabis, medical cannabis, and
40 cannabis delivery devices ordered pursuant to former s. 381.986,
41 Florida Statutes 2016, which were entered into the compassionate
42 use registry before July 1, 2017, and are authorized to begin
43 dispensing marijuana under this section on July 3, 2017. The
44 department may grant variances from the representations made in
45 such an entity's original application for approval under former
46 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

50 a. As soon as practicable, but no later than August 1,

51 2017, the department shall license any applicant whose
52 application was reviewed, evaluated, and scored by the
53 department and ~~which~~ was denied a dispensing organization
54 license by the department under former s. 381.986, Florida
55 Statutes 2014; which had one or more administrative or judicial
56 challenges pending as of January 1, 2017, or had a final ranking
57 within one point of the highest final ranking in its region
58 under former s. 381.986, Florida Statutes 2014; which meets the
59 requirements of this section; and which provides documentation
60 to the department that it has the existing infrastructure and
61 technical and technological ability to begin cultivating
62 marijuana within 30 days after registration as a medical
63 marijuana treatment center.

64 b. As soon as practicable, the department shall license
65 one applicant that is a recognized class member of *Pigford v.*
66 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
67 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
68 under this sub-subparagraph is exempt from the requirement of
69 subparagraph (b)2. An applicant or a joint venture partner of
70 such applicant that applies for licensure under this sub-
71 subparagraph, pays its initial application fee, is determined by
72 the department through the application process to qualify as a
73 recognized class member, and is not awarded a license under this
74 sub-subparagraph may transfer its initial application fee to one
75 subsequent opportunity to apply for licensure under subparagraph

76 | 4. and receive the maximum consideration for its diversity plan
 77 | as described in subparagraph (b)10.

78 | c. As soon as practicable, but no later than August 1,
 79 | 2023, the department shall license any applicant that is a
 80 | recognized class member of Pigford v. Glickman, 185 F.R.D. 82
 81 | (D.D.C. 1999) or In Re Black Farmers Litig., 856 F. Supp. 2d 1
 82 | (D.D.C. 2011) whose application was reviewed, evaluated, and
 83 | scored by the department and was denied a dispensing
 84 | organization license by the department under former s. 381.986,
 85 | Florida Statutes 2014; had one or more administrative or
 86 | judicial challenges pending as of October 11, 2022, or had a
 87 | final ranking within one point of the highest final ranking in
 88 | its region under former s. 381.986, Florida Statutes 2014; meets
 89 | the requirements of this section; provides documentation to the
 90 | department that he or she is a recognized class member of
 91 | Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999) or In Re Black
 92 | Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011) at the time of
 93 | the application; and provides documentation to the department
 94 | that it has the existing infrastructure and technical and
 95 | technological ability to begin cultivating marijuana within 30
 96 | days after registration as a medical marijuana treatment center.
 97 | The rights of the recognized class member under this sub-
 98 | subparagraph inures to its successors or assignees.

99 | d.~~e~~. As soon as practicable, but no later than October 3,
 100 | 2017, the department shall license applicants that meet the

101 requirements of this section in sufficient numbers to result in
102 10 total licenses issued under this subparagraph, while
103 accounting for the number of licenses issued under sub-
104 subparagraphs a. and b.

105 3. For up to two of the licenses issued under subparagraph
106 2., the department shall give preference to applicants that
107 demonstrate in the ~~their~~ applications ownership of ~~that they own~~
108 one or more facilities that are, or were, used for the canning,
109 concentrating, or otherwise processing of citrus fruit or citrus
110 molasses and that will be used ~~use~~ or converted ~~convert~~ the
111 ~~facility or facilities~~ for the processing of marijuana.

112 4. Within 6 months after the registration of 100,000
113 active qualified patients in the medical marijuana use registry,
114 the department shall license four additional medical marijuana
115 treatment centers that meet the requirements of this section.
116 Thereafter, the department shall license four medical marijuana
117 treatment centers within 6 months after the registration of each
118 additional 100,000 active qualified patients in the medical
119 marijuana use registry that meet the requirements of this
120 section.

121 (b) An applicant for licensure as a medical marijuana
122 treatment center shall apply to the department on a form
123 prescribed by the department and adopted in rule. The department
124 shall adopt rules pursuant to ss. 120.536(1) and 120.54
125 establishing a procedure for the issuance and biennial renewal

126 of licenses, including initial application and biennial renewal
127 fees sufficient to cover the costs of implementing and
128 administering this section, and establishing supplemental
129 licensure fees for payment beginning May 1, 2018, sufficient to
130 cover the costs of administering ss. 381.989 and 1004.4351. The
131 department shall identify applicants with strong diversity plans
132 reflecting this state's commitment to diversity and implement
133 training programs and other educational programs to enable
134 minority persons and minority business enterprises, as defined
135 in s. 288.703, and veteran business enterprises, as defined in
136 s. 295.187, to compete for medical marijuana treatment center
137 licensure and contracts. Subject to the requirements in
138 subparagraphs (a)2.-4., the department shall issue a license to
139 an applicant if the applicant meets the requirements of this
140 section and pays the initial application fee. The department
141 shall renew the licensure of a medical marijuana treatment
142 center biennially if the licensee meets the requirements of this
143 section and pays the biennial renewal fee. However, the
144 department may not renew the license of a medical marijuana
145 treatment center that has not begun to cultivate, process, and
146 dispense marijuana by the date that the medical marijuana
147 treatment center is required to renew its license. An individual
148 may not be an applicant, owner, officer, board member, or
149 manager on more than one application for licensure as a medical
150 marijuana treatment center. An individual or entity may not be

151 awarded more than one license as a medical marijuana treatment
 152 center. An applicant for licensure as a medical marijuana
 153 treatment center must demonstrate:

154 1. That, for the 5 consecutive years before submitting the
 155 application, the applicant has been registered to do business in
 156 the state or has maintained a bona fide business in the
 157 agriculture industry in the state.

158 2. Possession of a valid certificate of registration
 159 issued by the Department of Agriculture and Consumer Services
 160 pursuant to s. 581.131.

161 3. The technical and technological ability to cultivate
 162 and produce marijuana, including, but not limited to, low-THC
 163 cannabis.

164 4. The ability to secure the premises, resources, and
 165 personnel necessary to operate as a medical marijuana treatment
 166 center.

167 5. The ability to maintain accountability of all raw
 168 materials, finished products, and any byproducts to prevent
 169 diversion or unlawful access to or possession of these
 170 substances.

171 6. An infrastructure reasonably located to dispense
 172 marijuana to registered qualified patients statewide or
 173 regionally as determined by the department.

174 7. The financial ability to maintain operations for the
 175 duration of the 2-year approval cycle, including the provision

176 of certified financial statements to the department.

177 a. Upon approval, the applicant must post a \$5 million
178 performance bond issued by an authorized surety insurance
179 company rated in one of the three highest rating categories by a
180 nationally recognized rating service. However, a medical
181 marijuana treatment center serving at least 1,000 qualified
182 patients is only required to maintain a \$2 million performance
183 bond.

184 b. In lieu of the performance bond required under sub-
185 subparagraph a., the applicant may provide an irrevocable letter
186 of credit payable to the department or provide cash to the
187 department. If provided with cash under this sub-subparagraph,
188 the department shall deposit the cash in the Grants and
189 Donations Trust Fund within the Department of Health, subject to
190 the same conditions as the bond regarding requirements for the
191 applicant to forfeit ownership of the funds. If the funds
192 deposited under this sub-subparagraph generate interest, the
193 amount of that interest shall be used by the department for the
194 administration of this section.

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

197 9. The employment of a medical director to supervise the
198 activities of the medical marijuana treatment center.

199 10. A diversity plan that promotes and ensures the
200 involvement of minority persons and minority business

201 enterprises, as defined in s. 288.703, or veteran business
202 enterprises, as defined in s. 295.187, in ownership, management,
203 and employment. Any applicant that is a recognized class member
204 of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999) or In Re
205 Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011) satisfies
206 the diversity plan requirement and shall receive the maximum
207 consideration on the application for administration of this
208 section. Any applicant that applies as a joint venture partner
209 with a recognized class member shall also receive the maximum
210 consideration on the application for administration of this
211 section. An applicant for licensure renewal must show the
212 effectiveness of the diversity plan by including the following
213 with his or her application for renewal:

- 214 a. Representation of minority persons and veterans in the
215 medical marijuana treatment center's workforce;
- 216 b. Efforts to recruit minority persons and veterans for
217 employment; and
- 218 c. A record of contracts for services with minority
219 business enterprises and veteran business enterprises.

220 Section 2. This act shall take effect July 1, 2023.