



718474

LEGISLATIVE ACTION

Senate

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House

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Senator Clemens moved the following:

**Senate Amendment**

Delete lines 396 - 532

and insert:

Services certificate required in paragraph (6) (b);

3. The name, address, license number, and contact information for the applicant's medical director; and

4. All information required to be included by subsection (6).

(d) The department shall ~~and~~ impose an initial application fee of \$50,000, an initial licensure fee of \$125,000, and a



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12 biennial renewal fee of \$125,000 that is sufficient to cover the  
13 costs of administering this section. An applicant for approval  
14 as a dispensing organization must be able to demonstrate:

15 1. The technical and technological ability to cultivate and  
16 produce low-THC cannabis. The applicant must possess a valid  
17 certificate of registration issued by the Department of  
18 Agriculture and Consumer Services pursuant to s. 581.131 that is  
19 issued for the cultivation of more than 400,000 plants, be  
20 operated by a nurseryman as defined in s. 581.011, and have been  
21 operated as a registered nursery in this state for at least 30  
22 continuous years.

23 2. The ability to secure the premises, resources, and  
24 personnel necessary to operate as a dispensing organization.

25 3. The ability to maintain accountability of all raw  
26 materials, finished products, and any byproducts to prevent  
27 diversion or unlawful access to or possession of these  
28 substances.

29 4. An infrastructure reasonably located to dispense low-THC  
30 cannabis to registered patients statewide or regionally as  
31 determined by the department.

32 5. The financial ability to maintain operations for the  
33 duration of the 2-year approval cycle, including the provision  
34 of certified financials to the department. Upon approval, the  
35 applicant must post a \$5 million performance bond.

36 6. That all owners and managers have been fingerprinted and  
37 have successfully passed a level 2 background screening pursuant  
38 to s. 435.04.

39 7. The employment of a medical director who is a physician  
40 licensed under chapter 458 or chapter 459 to supervise the



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41 ~~activities of the dispensing organization.~~

42 (e) The department shall inspect each dispensing  
43 organization's properties, cultivation facilities, processing  
44 facilities, and retail facilities before they begin operations  
45 and at least once every 2 years thereafter. The department may  
46 conduct additional announced or unannounced inspections,  
47 including followup inspections, at reasonable hours in order to  
48 ensure that such property and facilities maintain compliance  
49 with all applicable requirements in subsections (6) and (7) and  
50 to ensure that the dispensing organization has not committed any  
51 other act that would endanger the health, safety, or security of  
52 a qualified patient, dispensing organization staff, or the  
53 community in which the dispensing organization is located.  
54 Licensure under this section constitutes permission for the  
55 department to enter and inspect the premises and facilities of  
56 any dispensing organization. The department may inspect any  
57 licensed dispensing organization, and a dispensing organization  
58 must make all facility premises, equipment, documents, low-THC  
59 cannabis, and low-THC cannabis products available to the  
60 department upon inspection. The department may test any low-THC  
61 cannabis or low-THC cannabis product in order to ensure that it  
62 is safe for human consumption and that it meets the requirements  
63 in this section.

64 (f) The department may suspend or revoke a license, deny or  
65 refuse to renew a license, or impose an administrative penalty  
66 not to exceed \$10,000 for the following acts or omissions:

- 67 1. A violation of this section or department rule.
- 68 2. Failing to maintain qualifications for licensure.
- 69 3. Endangering the health, safety, or security of a



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- 70 qualified patient.
- 71 4. Improperly disclosing personal and confidential  
72 information of the qualified patient.
- 73 5. Attempting to procure a license by bribery or fraudulent  
74 misrepresentation.
- 75 6. Being convicted or found guilty of, or entering a plea  
76 of nolo contendere to, regardless of adjudication, a crime in  
77 any jurisdiction which directly relates to the business of a  
78 dispensing organization.
- 79 7. Making or filing a report or record that the licensee  
80 knows to be false.
- 81 8. Willfully failing to maintain a record required by this  
82 section or rule of the department.
- 83 9. Willfully impeding or obstructing an employee or agent  
84 of the department in the furtherance of his or her official  
85 duties.
- 86 10. Engaging in fraud or deceit, negligence, incompetence,  
87 or misconduct in the business practices of a dispensing  
88 organization.
- 89 11. Making misleading, deceptive, or fraudulent  
90 representations in or related to the business practices of a  
91 dispensing organization.
- 92 12. Having a license or the authority to engage in any  
93 regulated profession, occupation, or business that is related to  
94 the business practices of a dispensing organization revoked,  
95 suspended, or otherwise acted against, including the denial of  
96 licensure, by the licensing authority of any jurisdiction,  
97 including its agencies or subdivisions, for a violation that  
98 would constitute a violation under state law. A licensing



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99 authority's acceptance of a relinquishment of licensure or a  
100 stipulation, consent order, or other settlement, offered in  
101 response to or in anticipation of the filing of charges against  
102 the license, shall be construed as an action against the  
103 license.

104 13. Violating a lawful order of the department or an agency  
105 of the state, or failing to comply with a lawfully issued  
106 subpoena of the department or an agency of the state.

107 (g) The department shall create a permitting process for  
108 all dispensing organization vehicles used for the transportation  
109 of low-THC cannabis or low-THC cannabis products.

110 (h) ~~(e)~~ The department shall monitor physician registration  
111 and ordering of low-THC cannabis for ordering practices that  
112 could facilitate unlawful diversion or misuse of low-THC  
113 cannabis and take disciplinary action as indicated.

114 (i) ~~(d)~~ The department shall adopt rules as necessary to  
115 implement this section.

116 (6) DISPENSING ORGANIZATION.—

117 (a) An applicant seeking licensure as a dispensing  
118 organization, or the renewal of its license, must submit an  
119 application to the department. The department must review all  
120 applications for completeness, including an appropriate  
121 inspection of the applicant's property and facilities to verify  
122 the authenticity of the information provided in, or in  
123 connection with, the application. An applicant authorizes the  
124 department to inspect his or her property and facilities for  
125 licensure by applying under this subsection.

126 (b) In order to receive or maintain licensure as a  
127 dispensing organization, an applicant must provide proof that:



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128        1. The applicant, or a separate entity that is owned solely  
129 by the same persons or entities in the same ratio as the  
130 applicant, possesses a valid certificate of registration issued  
131 by the Department of Agriculture and Consumer Services pursuant  
132 to s. 581.131 for the cultivation of more than 400,000 plants.