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LEGISLATIVE ACTION

Senate

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House

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Senator Bradley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 381.986, Florida Statutes, is amended to  
read:

381.986 Compassionate use of low-THC cannabis.—

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

(a) “Applicant” means an organization that has submitted an  
application to the department for licensure or renewal as a  
dispensing organization.



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12           (b) "Batch" means a specific quantity of low-THC cannabis  
13 product that is intended to have uniform character and quality,  
14 within specified limits, and is produced at the same time from  
15 one or more harvests.

16           (c) "Dispensing organization" means an organization  
17 licensed ~~approved~~ by the department to cultivate, process, and  
18 dispense low-THC cannabis pursuant to this section.

19           (d) "Harvest" means a specifically identified and numbered  
20 quantity of low-THC cannabis cultivated using the same  
21 herbicides, pesticides, and fungicides and harvested at the same  
22 time from a single facility.

23           (e) "Independent testing laboratory" means a laboratory,  
24 and the managers, employees, or contractors of the laboratory  
25 which have no direct or indirect interest in a dispensing  
26 organization.

27           (f) ~~(b)~~ "Low-THC cannabis" means a plant of the genus  
28 Cannabis, the dried flowers of which contain 15 ~~0.8~~ percent or  
29 less of tetrahydrocannabinol and more than 10 percent of  
30 cannabidiol weight for weight; the seeds thereof; the resin  
31 extracted from any part of such plant; or any compound,  
32 manufacture, salt, derivative, mixture, or preparation of such  
33 plant or its seeds or resin that is dispensed only from a  
34 dispensing organization.

35           (g) "Low-THC cannabis product" means any product derived  
36 from low-THC cannabis, including the resin extracted from any  
37 part of such plant or any compound, manufacture, salt,  
38 derivative, mixture, or preparation of such plant or its seeds  
39 or resin which is dispensed from a dispensing organization. Low-  
40 THC cannabis products include, but are not limited to, oils,



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41 tinctures, creams, encapsulations, and food products. All low-  
42 THC cannabis products must maintain concentrations, weight for  
43 weight, of 15 percent or less of tetrahydrocannabinol and 10  
44 percent cannabidiol.

45 (h)(e) "Medical use" means administration of the  
46 recommended ~~ordered~~ amount of low-THC cannabis. The term does  
47 not include:

48 1. The possession, use, or administration by smoking.

49 2. ~~The term also does not include~~ The transfer of low-THC  
50 cannabis to a person other than the qualified patient for whom  
51 it was recommended ~~ordered~~ or the qualified patient's legal  
52 representative who is registered in the compassionate use  
53 registry on behalf of the qualified patient.

54 3. The use or administration of low-THC cannabis or low-THC  
55 cannabis products:

56 a. On any form of public transportation.

57 b. In any public place.

58 c. In a registered qualified patient's place of work, if  
59 restricted by his or her employer.

60 d. In a correctional facility.

61 e. On the grounds of any preschool, primary school, or  
62 secondary school.

63 f. On a school bus.

64 (i)(d) "Qualified patient" means a resident of this state  
65 who has been added to the compassionate use registry by a  
66 physician licensed under chapter 458 or chapter 459 to receive  
67 low-THC cannabis from a dispensing organization.

68 (j)(e) "Smoking" means burning or igniting a substance and  
69 inhaling the smoke. Smoking does not include the use of a



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70 vaporizer.

71 (2) PHYSICIAN RECOMMENDING ~~ORDERING~~.—

72 (a) ~~Effective January 1, 2015,~~ A physician licensed under  
73 chapter 458 or chapter 459 who has examined and is treating a  
74 patient suffering from cancer, human immunodeficiency virus,  
75 acquired immune deficiency syndrome, epilepsy, amyotrophic  
76 lateral sclerosis, autism, multiple sclerosis, Crohn's disease,  
77 Parkinson's disease, paraplegia, quadriplegia, or terminal  
78 illness ~~a physical medical condition that chronically produces~~  
79 ~~symptoms of seizures or severe and persistent muscle spasms~~ may  
80 recommend ~~order~~ for the patient's medical use low-THC cannabis  
81 to treat such disease, disorder, or condition; ~~or~~ to alleviate  
82 symptoms of such disease, disorder, or condition; or to  
83 alleviate symptoms caused by a treatment for such disease,  
84 disorder, or condition, ~~if no other satisfactory alternative~~  
85 ~~treatment options exist for that patient and all of the~~  
86 following ~~conditions~~ apply:

87 1. ~~(a)~~ The patient is a ~~permanent~~ resident of this state.

88 2. ~~(b)~~ The physician determines that the risks of  
89 recommending ~~ordering~~ low-THC cannabis are reasonable in light  
90 of the potential benefit for that patient. If a patient is  
91 younger than 18 years of age, a second physician must concur  
92 with this determination, and such determination must be  
93 documented in the patient's medical record.

94 3. ~~(c)~~ The physician registers the patient, the patient's  
95 legal representative if requested by the patient, and himself or  
96 herself as the recommender ~~orderer~~ of low-THC cannabis for the  
97 named patient on the compassionate use registry maintained by  
98 the department and updates the registry to reflect the contents



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99 of the recommendation order. If the patient is a minor, the  
100 physician must register a legal representative on the  
101 compassionate use registry. The physician shall deactivate the  
102 patient's registration when treatment is discontinued.

103 4.(d) The physician maintains a patient treatment plan that  
104 includes the dose, route of administration, planned duration,  
105 and monitoring of the patient's symptoms and other indicators of  
106 tolerance or reaction to the low-THC cannabis.

107 5.(e) The physician submits the patient treatment plan, as  
108 well as any other requested medical records, biannually  
109 quarterly to the University of Florida College of Pharmacy for  
110 research on the safety and efficacy of low-THC cannabis on  
111 patients pursuant to subsection (8).

112 6.(f) The physician obtains the voluntary informed consent  
113 of the patient or the patient's legal guardian to treatment with  
114 low-THC cannabis after sufficiently explaining the current state  
115 of knowledge in the medical community of the effectiveness of  
116 treatment of the patient's conditions or symptoms ~~condition~~ with  
117 low-THC cannabis, the medically acceptable alternatives, and the  
118 potential risks and side effects.

119 (b) A physician who improperly recommends low-THC cannabis  
120 is subject to disciplinary action under the applicable practice  
121 act and under s. 456.072(1)(k).

122 (3) PENALTIES.—

123 (a) A physician commits a misdemeanor of the first degree,  
124 punishable as provided in s. 775.082 or s. 775.083, if the  
125 physician recommends ~~orders~~ low-THC cannabis for a patient  
126 without a reasonable belief that the patient is suffering from  
127 at least one of the conditions listed in subsection (2).÷



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128 ~~1. Cancer or a physical medical condition that chronically~~  
129 ~~produces symptoms of seizures or severe and persistent muscle~~  
130 ~~spasms that can be treated with low-THC cannabis; or~~

131 ~~2. Symptoms of cancer or a physical medical condition that~~  
132 ~~chronically produces symptoms of seizures or severe and~~  
133 ~~persistent muscle spasms that can be alleviated with low-THC~~  
134 ~~cannabis.~~

135 (b) Any person who fraudulently represents that he or she  
136 has at least one condition listed in subsection (2) ~~cancer or a~~  
137 ~~physical medical condition that chronically produces symptoms of~~  
138 ~~seizures or severe and persistent muscle spasms~~ to a physician  
139 for the purpose of being recommended ~~ordered~~ low-THC cannabis by  
140 such physician commits a misdemeanor of the first degree,  
141 punishable as provided in s. 775.082 or s. 775.083.

142 (4) PHYSICIAN EDUCATION.—

143 (a) Before recommending ~~ordering~~ low-THC cannabis for use  
144 by a patient in this state, the appropriate board shall require  
145 the recommending ~~ordering~~ physician licensed under chapter 458  
146 or chapter 459 to successfully complete an 8-hour course and  
147 subsequent examination offered by the Florida Medical  
148 Association or the Florida Osteopathic Medical Association that  
149 encompasses the clinical indications for the appropriate use of  
150 low-THC cannabis, the appropriate delivery mechanisms, the  
151 contraindications for such use, as well as the relevant state  
152 and federal laws governing the recommending ~~ordering~~,  
153 dispensing, and possessing of this substance. The first course  
154 and examination shall be presented by October 1, 2014, and shall  
155 be administered at least four times annually thereafter.  
156 Successful completion of the course may be used by a physician



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157 to satisfy 8 hours of the continuing medical education  
158 requirements required by his or her respective board for  
159 licensure renewal. This course may be offered in a distance  
160 learning format.

161 (b) The appropriate board shall require the medical  
162 director of each dispensing organization approved under  
163 subsection (5) to successfully complete a 2-hour course and  
164 subsequent examination offered by the Florida Medical  
165 Association or the Florida Osteopathic Medical Association that  
166 encompasses appropriate safety procedures and knowledge of low-  
167 THC cannabis.

168 (c) Successful completion of the course and examination  
169 specified in paragraph (a) is required for every physician who  
170 recommends ~~orders~~ low-THC cannabis each time such physician  
171 renews his or her license. In addition, successful completion of  
172 the course and examination specified in paragraph (b) is  
173 required for the medical director of each dispensing  
174 organization each time such physician renews his or her license.

175 (d) A physician who fails to comply with this subsection  
176 and who recommends ~~orders~~ low-THC cannabis may be subject to  
177 disciplinary action under the applicable practice act and under  
178 s. 456.072(1)(k).

179 (5) DUTIES AND POWERS OF THE DEPARTMENT. ~~By January 1,~~  
180 ~~2015, The department shall:~~

181 (a) The department shall create a secure, electronic, and  
182 online compassionate use registry for the registration of  
183 physicians and patients as provided under this section. The  
184 registry must be accessible to law enforcement agencies and to a  
185 dispensing organization in order to verify patient authorization



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186 for low-THC cannabis and record the low-THC cannabis dispensed.  
187 The registry must prevent an active registration of a patient by  
188 multiple physicians.

189 (b)1. Beginning 7 days after the effective date of this  
190 act, the department shall accept applications for licensure as a  
191 dispensing organization. The department shall review each  
192 application to determine whether the applicant meets the  
193 criteria in subsection (6) and qualifies for licensure.

194 2. Within 10 days after receiving an application for  
195 licensure, the department shall examine the application, notify  
196 the applicant of any apparent errors or omissions, and request  
197 any additional information the department is allowed by law to  
198 require. An application for licensure must be filed with the  
199 department no later than 5 p.m. on the 45th day after the  
200 effective date of this act, and all applications must be  
201 complete no later than 5 p.m. on the 75th day after the  
202 effective date of this act.

203 3. The applications shall be reviewed and scored by a  
204 selection committee composed of:

205 a. The Director of the Office of Compassionate Use within  
206 the department.

207 b. A member of the Florida Medical Association appointed by  
208 the president of the association.

209 c. A member of the Drug Policy Institute at the University  
210 of Florida appointed by the president of the University of  
211 Florida.

212 4. Before the 90th day after the effective date of this  
213 act, the department shall select, based on the scoring of merit-  
214 based applications, the two highest-scoring applicants in each





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215 of the state's five water management districts which meet the  
216 criteria for licensure specified in subsection (6).

217 a. The scorecards of the selection committee members shall  
218 be combined to generate an aggregate score for each application.  
219 If a tie aggregate score occurs, the winner shall be the  
220 applicant that has the highest number of points on the  
221 aggregated scorecard attributable to the operating nurseryman's  
222 cultivation experience. If a tie remains after consideration of  
223 such points, the winner shall be the applicant that has the  
224 highest number of points on the aggregated scorecard  
225 attributable to the applicant's experience in processing  
226 cannabis.

227 b. Each qualified nursery may submit one application in the  
228 region listed as its primary location on its certificate of  
229 registration with the Department of Agriculture and Consumer  
230 Services as of the date this act takes effect.

231 5. After the department has selected 10 dispensing  
232 organizations pursuant to subparagraph 4., the department shall  
233 select, based on the scoring of the merit-based applications,  
234 the next 5 highest-scoring applicants statewide which meet the  
235 criteria for licensure specified in subsection (6). A tie shall  
236 be resolved as specified in sub-subparagraph 4.a. An applicant  
237 selected under this subparagraph after being licensed by the  
238 department may operate as a dispensing organization in any  
239 region of the state, but may not have cultivation or processing  
240 facilities outside the region in which it is licensed.

241 6. The department shall license an applicant selected  
242 pursuant to subparagraph 4. or subparagraph 5. unless the  
243 applicant fails to pay the licensure fee within 20 days of



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244 selection.

245 7.a. An unsuccessful applicant may contest the final  
246 selection of applicants by filing a written petition with the  
247 State Surgeon General within 5 days after the final selection  
248 occurs. Within 10 days after receipt of the petition, the State  
249 Surgeon General shall review and issue a final determination  
250 regarding the contested selection.

251 b. An unsuccessful applicant may appeal the State Surgeon  
252 General's final determination to the circuit court within 10  
253 days after issuance of the final determination by filing a  
254 complaint, together with the fees prescribed in chapter 28, with  
255 the clerk of the circuit court. The complaint must set forth the  
256 grounds on which the petitioner requests that the final  
257 selection of applicants be set aside.

258 c. Grounds for contesting the selection process are:

259 (I) Misconduct, fraud, or corruption by any member of the  
260 selection committee.

261 (II) The ineligibility of a successful applicant.

262 (III) Proof that a member of the selection committee  
263 accepted or intended to accept a bribe or reward in money,  
264 property, or any other thing of value for the purpose of  
265 influencing the selection of applicants.

266 d. A petitioner under sub-subparagraph b. is entitled to an  
267 immediate hearing. However, the court in its discretion may  
268 limit the time for taking testimony.

269 e. The issuance of a license may not be stayed by the  
270 department or the Division of Administrative Hearings during the  
271 pendency of any judicial review proceedings under this  
272 subparagraph.



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273 f. A court may grant a stay or an injunction in an action  
274 relating to the denial of a license only if a bond is posted by  
275 the petitioner seeking a stay or injunction and the court finds  
276 that:

277 (I) The petitioner has a substantial likelihood of success  
278 on the merits;

279 (II) The threatened harm or injury to the petitioner  
280 clearly outweighs any possible injury to a qualified patient  
281 occasioned by granting the stay or injunction; and

282 (III) It is in the public interest to grant the stay or  
283 injunction.

284 g. A proceeding pursuant to this subparagraph is the  
285 exclusive means to contest or appeal the final selection of  
286 applicants. Chapter 120 does not apply to this subparagraph  
287 ~~Authorize the establishment of five dispensing organizations to~~  
288 ~~ensure reasonable statewide accessibility and availability as~~  
289 ~~necessary for patients registered in the compassionate use~~  
290 ~~registry and who are ordered low-THC cannabis under this~~  
291 ~~section, one in each of the following regions: northwest~~  
292 ~~Florida, northeast Florida, central Florida, southeast Florida,~~  
293 ~~and southwest Florida.~~

294 8. The timeframes specified in s. 120.60(1) does not apply  
295 to this paragraph.

296 (c) The department shall use ~~develop~~ an application form  
297 that requires the applicant to state:

298 1. Whether the application is for initial licensure or  
299 renewal licensure;

300 2. The name, the physical address, the mailing address, the  
301 address listed on the Department of Agriculture and Consumer



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302 Services certificate required in paragraph (6)(b), and the  
303 contact information for the applicant and for the nursery that  
304 holds the Department of Agriculture and Consumer Services  
305 certificate, if different from the applicant;

306 3. The name, address, and contact information for the  
307 operating nurseryman of the organization that holds the  
308 Department of Agriculture and Consumer Services certificate;

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

311 5. All information required to be included by subsection  
312 (6).

313 (d) The department shall and impose an initial application  
314 fee of \$50,000, an initial licensure fee of \$125,000, and a  
315 biennial renewal fee of \$125,000 that is sufficient to cover the  
316 costs of administering this section. An applicant for approval  
317 as a dispensing organization must be able to demonstrate:

318 1. The technical and technological ability to cultivate and  
319 produce low-THC cannabis. The applicant must possess a valid  
320 certificate of registration issued by the Department of  
321 Agriculture and Consumer Services pursuant to s. 581.131 that is  
322 issued for the cultivation of more than 400,000 plants, be  
323 operated by a nurseryman as defined in s. 581.011, and have been  
324 operated as a registered nursery in this state for at least 30  
325 continuous years.

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

328 3. The ability to maintain accountability of all raw  
329 materials, finished products, and any byproducts to prevent  
330 diversion or unlawful access to or possession of these



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331 ~~substances.~~

332 ~~4. An infrastructure reasonably located to dispense low-THC~~  
333 ~~cannabis to registered patients statewide or regionally as~~  
334 ~~determined by the department.~~

335 ~~5. The financial ability to maintain operations for the~~  
336 ~~duration of the 2-year approval cycle, including the provision~~  
337 ~~of certified financials to the department. Upon approval, the~~  
338 ~~applicant must post a \$5 million performance bond.~~

339 ~~6. That all owners and managers have been fingerprinted and~~  
340 ~~have successfully passed a level 2 background screening pursuant~~  
341 ~~to s. 435.04.~~

342 ~~7. The employment of a medical director who is a physician~~  
343 ~~licensed under chapter 458 or chapter 459 to supervise the~~  
344 ~~activities of the dispensing organization.~~

345 (e) The department may inspect each dispensing  
346 organization's properties, cultivation facilities, processing  
347 facilities, and retail facilities before and after the  
348 organization begins operations. The department may conduct  
349 announced or unannounced inspections, including followup  
350 inspections, at reasonable hours in order to ensure that such  
351 property and facilities maintain compliance with all applicable  
352 requirements in subsections (6) and (7) and to ensure that the  
353 dispensing organization has not committed any other act that  
354 would endanger the health, safety, or security of a qualified  
355 patient, dispensing organization staff, or the community in  
356 which the dispensing organization is located. Licensure under  
357 this section constitutes permission for the department to enter  
358 and inspect the premises and facilities of any dispensing  
359 organization. The department may inspect any licensed dispensing



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360 organization, and a dispensing organization must make all  
361 facility premises, equipment, documents, low-THC cannabis, and  
362 low-THC cannabis products available to the department upon  
363 inspection. The department may test any low-THC cannabis or low-  
364 THC cannabis product in order to ensure that it is safe for  
365 human consumption and that it meets the requirements in this  
366 section.

367 (f)1. Subject to subparagraph 2., the department may impose  
368 an administrative penalty not to exceed \$10,000 for each of the  
369 following violations:

370 a. Violating this section or department rule.

371 b. Failing to maintain qualifications for licensure.

372 c. Endangering the health, safety, or security of a  
373 qualified patient.

374 d. Improperly disclosing personal and confidential  
375 information of the qualified patient.

376 e. Attempting to procure a license by bribery or fraudulent  
377 misrepresentation.

378 f. Being convicted or found guilty of, or entering a plea  
379 of nolo contendere to, regardless of adjudication, a crime in  
380 any jurisdiction which directly relates to the business of a  
381 dispensing organization.

382 g. Making or filing a report or record that the licensee  
383 knows to be false.

384 h. Willfully failing to maintain a record required by this  
385 section or rule of the department.

386 i. Willfully impeding or obstructing an employee or agent  
387 of the department in the furtherance of his or her official  
388 duties.



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389       j. Engaging in fraud or deceit, negligence, incompetence,  
390 or misconduct in the business practices of a dispensing  
391 organization.

392       k. Making misleading, deceptive, or fraudulent  
393 representations in or related to the business practices of a  
394 dispensing organization.

395       1. Having a license or the authority to engage in any  
396 regulated profession, occupation, or business that is related to  
397 the business practices of a dispensing organization revoked,  
398 suspended, or otherwise acted against, including the denial of  
399 licensure, by the licensing authority of any jurisdiction,  
400 including its agencies or subdivisions, for a violation that  
401 would constitute a violation under state law. A licensing  
402 authority's acceptance of a relinquishment of licensure or a  
403 stipulation, consent order, or other settlement, offered in  
404 response to or in anticipation of the filing of charges against  
405 the license, shall be construed as an action against the  
406 license.

407       m. Violating a lawful order of the department or an agency  
408 of the state, or failing to comply with a lawfully issued  
409 subpoena of the department or an agency of the state.

410       2. Prior to imposing an administrative penalty under this  
411 paragraph, the department shall provide to the dispensing  
412 organization notice of the alleged violation and allow 20  
413 business days for the dispensing organization to take corrective  
414 action to cure the alleged violation and, if applicable, to  
415 implement corrective action to prevent a future violation. If  
416 the dispensing organization takes appropriate corrective action  
417 to cure the alleged violation and, if applicable, takes



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418 appropriate corrective action to prevent a future violation, the  
419 violation shall be deemed cured and an administrative penalty  
420 may not be imposed. If the violation is not cured, the  
421 department may impose an administrative penalty on the  
422 dispensing organization and may suspend, revoke, deny, or refuse  
423 to renew the license of the dispensing organization.

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

427 (h)~~(e)~~ The department shall monitor physician registration  
428 and ~~recommendation ordering~~ of low-THC cannabis for  
429 recommendation ~~ordering~~ practices that could facilitate unlawful  
430 diversion or misuse of low-THC cannabis and take disciplinary  
431 action as indicated.

432 (i)~~(d)~~ The department shall adopt rules as necessary to  
433 implement this section; however, the application process  
434 specified under paragraph (b) to award licenses shall not be  
435 contingent upon rules being first adopted.

436 (6) DISPENSING ORGANIZATION.—

437 (a) An applicant seeking licensure as a dispensing  
438 organization, or the renewal of its license, must submit an  
439 application to the department. The department must review all  
440 applications for completeness, including any department-  
441 requested inspection of the applicant's property and facilities  
442 to verify the authenticity of the information provided in, or in  
443 connection with, the application. An applicant authorizes the  
444 department to inspect its property and facilities for licensure  
445 by applying under this subsection.

446 (b) In order to receive or maintain licensure as a





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447 dispensing organization, an applicant must provide proof that  
448 the applicant, or a separate entity that is owned solely by the  
449 same persons or entities in the same ratio as the applicant:

450 1. Possesses a valid certificate of registration issued by  
451 the Department of Agriculture and Consumer Services pursuant to  
452 s. 581.131 for the cultivation of more than 400,000 plants, is  
453 operated by a nurseryman as defined in s. 581.011, and has  
454 operated as a registered nursery in this state as the same  
455 corporate entity, or the legal successor of such entity by  
456 merger or acquisition, for at least 30 continuous years as  
457 verified by registrations from both the Division of Corporations  
458 of the Department of State and the Department of Agriculture and  
459 Consumer Services; or

460 2. Is a recognized class member of *Pigford v. Glickman*, 182  
461 F.R.D. 82 (D.D.C. 1999) or *In re Black Farmers Litig.*, 856 F.  
462 Supp. 2d 1 (D.D.C. 2011), possesses a valid certificate of  
463 registration issued by the Department of Agriculture and  
464 Consumer Services pursuant to s. 581.131 for the cultivation of  
465 more than 100,000 plants, and has operated as a registered  
466 nursery in this state as the same corporate entity, or the legal  
467 successor of such entity by merger or acquisition, for at least  
468 10 continuous years as verified by registrations from both the  
469 Division of Corporations of the Department of State and the  
470 Department of Agriculture and Consumer Services.

471  
472 An applicant or a separate entity under this paragraph must be  
473 capable of obtaining a zoning permit that authorizes the  
474 cultivation of low-THC cannabis in the municipality or county  
475 listed on the applicant's or entity's certificate of



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476 registration with the Department of Agriculture and Consumer  
477 Services where the cultivation activities are proposed to occur.

478 (c) Each applicant for a license must provide proof that:

479 1. The applicant's nurseryman as defined in s. 581.011 has  
480 experience cultivating and propagating multiple varieties of  
481 mature, finished, nonnative plants in this state and mature,  
482 finished, potted herbs as evidenced by crop insurance reports or  
483 invoices or bills of sale.

484 2. The applicant's personnel on staff or under contract  
485 include at least one person who:

486 a. Has experience with laboratory procedures which includes  
487 analytical laboratory quality control measures, chain of custody  
488 procedures, and analytical laboratory methods;

489 b. Has experience with cannabis cultivation and processing,  
490 in a state or nationally regulated market, including cannabis  
491 extraction techniques and producing cannabis products;

492 c. Has experience and qualifications in chain of custody or  
493 other tracking mechanisms; and

494 d. Works solely for security purposes.

495 3. Each owner who has a 10 percent or greater interest in  
496 the dispensing organization and the applicant's managers,  
497 employees, and contractors who directly interact with low-THC  
498 cannabis or low-THC cannabis products have been fingerprinted  
499 and have successfully passed a level 2 background screening  
500 pursuant to s. 435.04.

501 4. The applicant owns, has at least a 2-year lease of, or  
502 has an option to lease or own, all proposed properties,  
503 facilities, and equipment necessary for the cultivation and  
504 processing of low-THC cannabis. The applicant must provide a



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505 detailed description of each proposed facility and its  
506 equipment, a cultivation and processing plan, and a detailed  
507 floor plan. The description must include proof that each  
508 facility is secured and has theft-prevention systems including  
509 an alarm system, cameras, and security personnel.

510 5. The applicant has diversion and tracking prevention  
511 procedures, including:

512 a. A system for tracking low-THC material through  
513 cultivation, processing, and dispensing, including the use of  
514 batch and harvest numbers;

515 b. An inventory control system for low-THC cannabis and  
516 low-THC cannabis products;

517 c. A vehicle tracking and security system; and

518 d. A cannabis waste-disposal plan.

519 6. The applicant has recordkeeping policies and procedures  
520 in place.

521 7. The applicant has a facility emergency management plan.

522 8. The applicant has the financial ability to operate as  
523 demonstrated by \$4 million in escrowed funds or the equivalent  
524 of \$4 million in pledged assets, securities, or irrevocable  
525 letters of credit.

526 9. The applicant has a \$1 million performance and  
527 compliance bond, or other equivalent means of security, such as  
528 an irrevocable letter of credit, pledged securities, or a  
529 deposit in a trust account or financial institution, payable to  
530 the department, which must be posted once the applicant is  
531 approved as a dispensing organization. The purpose of the bond  
532 is to secure payment of any administrative penalties imposed by  
533 the department. The department may make a claim against such



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534 bond or security until 1 year after the dispensing  
535 organization's license ceases to be valid or until 60 days after  
536 any administrative or legal proceeding authorized in this  
537 section involving the dispensing organization concludes,  
538 including any appeal, whichever occurs later.

539 10. The applicant employs or contracts a medical director  
540 who is a Florida resident and a physician licensed under chapter  
541 458 or chapter 459 to supervise the activities of the dispensing  
542 organization.

543  
544 Each applicant that submits a complete application shall be  
545 reviewed and scored by the reviewers under paragraph (5) (b)  
546 based on the degree to which the applicant meets and exceeds the  
547 criteria specified in this paragraph.

548 (d) The license of a dispensing organization shall be  
549 renewed by the department biennially if the dispensing  
550 organization meets the requirements of paragraphs (b) and (c),  
551 pays the biennial renewal fee, and, if applicable, has cured  
552 each violation alleged under paragraph (5) (f).

553 (e) An approved dispensing organization shall maintain  
554 compliance with the criteria in paragraphs (b), (c), and (f) and  
555 subsection (7) demonstrated for selection and approval as a  
556 dispensing organization under subsection (5) at all times.  
557 Before dispensing low-THC cannabis or low-THC cannabis products  
558 to a qualified patient or to the qualified patient's legal  
559 representative, the dispensing organization shall verify the  
560 identity of the qualified patient or the qualified patient's  
561 legal representative by requiring the qualified patient or the  
562 qualified patient's legal representative to produce a



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563 government-issued identification card and shall verify that the  
564 qualified patient and the qualified patient's legal  
565 representative have ~~has~~ an active registration in the  
566 compassionate use registry, that the recommendation order  
567 presented matches the recommended order contents as recorded in  
568 the registry, and that the recommendation order ~~order~~ has not already  
569 been filled. Upon dispensing the low-THC cannabis, the  
570 dispensing organization shall record in the registry the date,  
571 time, quantity, and form of low-THC cannabis dispensed.

572 (f) A dispensing organization may have cultivation  
573 facilities, processing facilities, and retail facilities.

574 1. The cultivation facilities and processing facilities  
575 must be closed to the public.

576 2. A municipality may determine by ordinance the criteria  
577 for the number and location of, and other permitting  
578 requirements for, all cultivation, processing, and retail  
579 facilities located within its municipal boundaries. A county may  
580 determine by ordinance the criteria for the number, location,  
581 and other permitting requirements for all cultivation,  
582 processing, and retail facilities located within the  
583 unincorporated areas of that county. Retail facilities must have  
584 all utilities and resources necessary to store and dispense low-  
585 THC cannabis and low-THC cannabis products. Retail facilities  
586 must be secured and have theft-prevention systems, including an  
587 alarm system, cameras, and 24-hour security personnel. Before a  
588 retail facility may dispense low-THC cannabis or a low-THC  
589 cannabis product, the dispensing organization must have a  
590 computer network compliant with the federal Health Insurance  
591 Portability and Accountability Act of 1996 which is able to



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592 access and upload data to the compassionate use registry and  
593 which shall be used by all retail facilities.

594 (g) Within 15 days after such information becoming  
595 available, a dispensing organization must provide the department  
596 with updated information, as applicable, including:

597 1. The location and a detailed description of any new or  
598 proposed facilities.

599 2. The updated contact information, including electronic  
600 and voice communication, for all dispensing organization  
601 facilities.

602 3. The registration information for any vehicles used for  
603 the transportation of low-THC cannabis and low-THC cannabis  
604 products, including confirmation that all such vehicles have  
605 tracking and security systems.

606 4. A plan for the recall of any or all low-THC cannabis or  
607 low-THC cannabis products.

608 (h)1. A dispensing organization or a contractor of the  
609 organization may transport low-THC cannabis or low-THC cannabis  
610 products in vehicles departing from their places of business  
611 only in vehicles that are owned or leased by the licensee or by  
612 a person or contractor designated by the dispensing  
613 organization, and for which a valid vehicle permit has been  
614 issued for such vehicle by the department.

615 2. A vehicle owned or leased by the dispensing organization  
616 or a person or contractor designated by the dispensing  
617 organization and approved by the department must be operated by  
618 such person when transporting low-THC cannabis or low-THC  
619 products from the licensee's place of business.

620 3. A vehicle permit may be obtained by a dispensing



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621 organization upon application and payment of a fee of \$5 per  
622 vehicle to the department. The signature of the person  
623 designated by the dispensing organization to drive the vehicle  
624 must be included on the vehicle permit application. Such permit  
625 remains valid and does not expire unless the licensee or any  
626 person designated by the dispensing organization disposes of his  
627 or her vehicle, or the licensee's license is transferred,  
628  canceled, not renewed, or is revoked by the department,  
629  whichever occurs first. The department shall cancel a vehicle  
630  permit upon request of the licensee or owner of the vehicle.

631 4. By acceptance of a license issued under this section,  
632 the licensee agrees that the licensed vehicle is, at all times  
633 it is being used to transport low-THC cannabis or low-THC  
634 cannabis products, subject to inspection and search without a  
635 search warrant by authorized employees of the department,  
636 sheriffs, deputy sheriffs, police officers, or other law  
637 enforcement officers to determine that the licensee is  
638 transporting such products in compliance with this section.

639 (i) A dispensing organization may wholesale low-THC  
640 cannabis or a low-THC cannabis product to another licensed  
641 dispensing organization.

642 (7) TESTING AND LABELING OF LOW-THC CANNABIS.—

643 (a) All low-THC cannabis and low-THC cannabis products must  
644 be tested by an independent testing laboratory before the  
645 dispensing organization may dispense them. The independent  
646 testing laboratory shall provide the dispensing organization  
647 with lab results. Before dispensing, the dispensing organization  
648 must determine that the lab results indicate that the low-THC  
649 cannabis or low-THC cannabis product meets the definition of



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650 low-THC cannabis or low-THC cannabis product, is safe for human  
651 consumption, and is free from contaminants that are unsafe for  
652 human consumption.

653 (b) All low-THC cannabis and low-THC cannabis products must  
654 be labeled before dispensing. The label must include, at a  
655 minimum:

656 1. A statement that the low-THC cannabis or low-THC  
657 cannabis product meets the requirements in paragraph (a);

658 2. The name of the independent testing laboratory that  
659 tested the low-THC cannabis or low-THC cannabis product;

660 3. The name of the cultivation and processing facility  
661 where the low-THC cannabis or low-THC cannabis product  
662 originates; and

663 4. The batch number and harvest number from which the low-  
664 THC cannabis or low-THC cannabis product originates.

665 (8) SAFETY AND EFFICACY RESEARCH FOR LOW-THC CANNABIS.—The  
666 University of Florida College of Pharmacy shall establish and  
667 maintain a safety and efficacy research program for the use of  
668 low-THC cannabis or low-THC cannabis products to treat  
669 qualifying conditions and symptoms. The program must include a  
670 fully integrated electronic information system for the broad  
671 monitoring of health outcomes and safety signal detection. The  
672 electronic information system must include information from the  
673 compassionate use registry; provider reports, including  
674 treatment plans, adverse event reports, and treatment  
675 discontinuation reports; patient reports of adverse impacts;  
676 event-triggered interviews and medical chart reviews performed  
677 by University of Florida clinical research staff; information  
678 from external databases, including Medicaid billing reports and





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679 information in the prescription drug monitoring database for  
680 registered patients; and all other medical reports required by  
681 the University of Florida to conduct the research required by  
682 this subsection. The department must provide access to  
683 information from the compassionate use registry and the  
684 prescription drug monitoring database, established in s.  
685 893.055, as needed by the University of Florida to conduct  
686 research under this subsection. The Agency for Health Care  
687 Administration must provide access to registered patient  
688 Medicaid records, to the extent allowed under federal law, as  
689 needed by the University of Florida to conduct research under  
690 this subsection.

691 (9) The persons who have direct or indirect interest in the  
692 dispensing organization and the dispensing organization's  
693 managers, employees, and contractors who directly interact with  
694 low-THC cannabis or low-THC cannabis products are prohibited  
695 from making recommendations, offering prescriptions, or  
696 providing medical advice to qualified patients.

697 (10) ~~(7)~~ EXCEPTIONS TO OTHER LAWS.-

698 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
699 any other ~~provision of~~ law, but subject to the requirements of  
700 this section, a qualified patient and the qualified patient's  
701 legal representative who is registered with the department on  
702 the compassionate use registry may purchase and possess for the  
703 patient's medical use up to the amount of low-THC cannabis  
704 recommended ~~ordered~~ for the patient. The patient or patient's  
705 representative may purchase, consume, or possess only low-THC  
706 cannabis that has been produced by a dispensing organization  
707 licensed under this section. Nothing in this section exempts any



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708 person from the prohibition against driving under the influence  
709 provided in s. 316.193.

710 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
711 any other provision of law, but subject to the requirements of  
712 this section, an approved dispensing organization and its  
713 owners, managers, ~~and~~ employees and the owners, managers, and  
714 employees of contractors who have direct contact with low-THC  
715 cannabis or low-THC cannabis product may manufacture, possess,  
716 sell, deliver, distribute, dispense, and lawfully dispose of  
717 reasonable quantities, as established by department rule, of  
718 low-THC cannabis. For purposes of this subsection, the terms  
719 "manufacture," "possession," "deliver," "distribute," and  
720 "dispense" have the same meanings as provided in s. 893.02.

721 (c) An approved dispensing organization and its owners,  
722 managers, ~~and~~ employees, and contractors are not subject to  
723 licensure or regulation under chapter 465 or chapter 499 for  
724 manufacturing, possessing, selling, delivering, distributing,  
725 dispensing, or lawfully disposing of reasonable quantities, as  
726 established by department rule, of low-THC cannabis.

727 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
728 any other law, but subject to the requirements of this section,  
729 an independent testing laboratory and its employees may receive  
730 and possess low-THC cannabis for the sole purpose of testing the  
731 low-THC cannabis to ensure compliance with this section.

732 Section 2. Paragraph (g) is added to subsection (3) of  
733 section 381.987, Florida Statutes, to read:

734 381.987 Public records exemption for personal identifying  
735 information in the compassionate use registry.—

736 (3) The department shall allow access to the registry,



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737 including access to confidential and exempt information, to:

738 (g) Persons engaged in research at the University of  
739 Florida pursuant to s. 381.986(8).

740 Section 3. Paragraph (b) of subsection (7) of section  
741 893.055, Florida Statutes, is amended to read:

742 893.055 Prescription drug monitoring program.—

743 (7)

744 (b) A pharmacy, prescriber, or dispenser shall have access  
745 to information in the prescription drug monitoring program's  
746 database which relates to a patient of that pharmacy,  
747 prescriber, or dispenser in a manner established by the  
748 department as needed for the purpose of reviewing the patient's  
749 controlled substance prescription history. Persons engaged in  
750 research at the University of Florida pursuant to s. 381.986(8)  
751 shall have access to information in the prescription drug  
752 monitoring program's database which relates to qualified  
753 patients as defined in s. 381.986(1) for the purpose of  
754 conducting such research. Other access to the program's database  
755 shall be limited to the program's manager and to the designated  
756 program and support staff, who may act only at the direction of  
757 the program manager or, in the absence of the program manager,  
758 as authorized. Access by the program manager or such designated  
759 staff is for prescription drug program management only or for  
760 management of the program's database and its system in support  
761 of the requirements of this section and in furtherance of the  
762 prescription drug monitoring program. Confidential and exempt  
763 information in the database shall be released only as provided  
764 in paragraph (c) and s. 893.0551. The program manager,  
765 designated program and support staff who act at the direction of



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766 or in the absence of the program manager, and any individual who  
767 has similar access regarding the management of the database from  
768 the prescription drug monitoring program shall submit  
769 fingerprints to the department for background screening. The  
770 department shall follow the procedure established by the  
771 Department of Law Enforcement to request a statewide criminal  
772 history record check and to request that the Department of Law  
773 Enforcement forward the fingerprints to the Federal Bureau of  
774 Investigation for a national criminal history record check.

775 Section 4. Paragraph (h) is added to subsection (3) of  
776 section 893.0551, Florida Statutes, to read:

777 893.0551 Public records exemption for the prescription drug  
778 monitoring program.—

779 (3) The department shall disclose such confidential and  
780 exempt information to the following persons or entities upon  
781 request and after using a verification process to ensure the  
782 legitimacy of the request as provided in s. 893.055:

783 (h) Persons engaged in research at the University of  
784 Florida pursuant to s. 381.986(8).

785 Section 5. If an application for licensure as a dispensing  
786 organization was submitted to the Department of Health before  
787 the effective date of this act, the department shall within 7  
788 days after the effective date of this act examine the  
789 application and notify the applicant if the application does not  
790 comply with s. 381.986, Florida Statutes. The department shall  
791 allow an applicant to correct and refile its application in  
792 compliance with the deadlines specified in s. 381.986(5),  
793 Florida Statutes.

794 Section 6. This act shall take effect upon becoming a law.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to low-THC cannabis; amending s.  
381.986, F.S.; defining and redefining terms; revising  
the illnesses and symptoms for which a physician may  
recommend for the patient's medical use low-THC  
cannabis; revising requirements applicable to such  
recommendations; providing that a physician who  
improperly recommends low-THC cannabis is subject to  
specified disciplinary action; providing that a  
physician who recommends low-THC cannabis without a  
specified reasonable belief is subject to certain  
criminal penalties; providing that a patient who  
fraudulently misrepresents a condition to obtain low-  
THC cannabis is subject to certain criminal penalties;  
requiring specified physician education to be offered  
by the Florida Medical Association or Florida  
Osteopathic Medical Association a certain number of  
times annually; revising the duties of the Department  
of Health; requiring the department to create a  
secure, electronic, and online compassionate use  
registry; requiring the department to begin accepting  
applications for licensure as a dispensing  
organization within a certain period according to a  
specified application process; requiring applications



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824 to be reviewed and scored by a selection committee;  
825 specifying the composition of the committee; requiring  
826 the department to select a specified number of  
827 applicants based on certain criteria for licensure as  
828 dispensing organizations in certain regions of the  
829 state and statewide; authorizing certain applicants to  
830 operate as a dispensing organization in any region of  
831 the state, but prohibiting such organization from  
832 having cultivation or processing facilities outside  
833 the region in which it is licensed; requiring the  
834 department to license selected applicants unless the  
835 applicant fails to pay the licensure fee within a  
836 specified period; providing a process for an  
837 unsuccessful applicant to contest and appeal the  
838 department's final selection of applicants; providing  
839 that ch. 120, F.S., does not apply to such process;  
840 providing that certain timeframes do not apply to the  
841 application and licensure process; requiring the  
842 department to use an application form requiring  
843 specified information; requiring the department to  
844 impose certain application, licensure, and renewal  
845 fees; authorizing the department to inspect each  
846 dispensing organization's properties, cultivation  
847 facilities, processing facilities, and retail  
848 facilities before and after those facilities begin  
849 operations; requiring dispensing organizations to make  
850 all facility premises, equipment, documents, low-THC  
851 cannabis, and low-THC cannabis products available to  
852 the department upon inspection; authorizing the



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853 department to test low-THC cannabis or low-THC  
854 cannabis products; authorizing the department to  
855 impose an administrative penalty and take other  
856 specified administrative action against the license of  
857 a dispensing organization based on specified  
858 violations if the dispensing organization fails to  
859 cure a violation after being providing certain notice  
860 and an opportunity to cure; requiring the department  
861 to create a permitting process for vehicles used for  
862 the transportation of low-THC cannabis or low-THC  
863 cannabis products; requiring the department to adopt  
864 rules as necessary for implementation of the section;  
865 specifying that the award of certain licenses is not  
866 contingent on such rules being first adopted;  
867 providing procedures and requirements for an applicant  
868 seeking licensure as a dispensing organization and for  
869 the renewal and maintenance of such license; requiring  
870 the dispensing organization to verify specified  
871 information of specified persons in certain  
872 circumstances; authorizing a dispensing organization  
873 to have cultivation facilities, processing facilities,  
874 and retail facilities; authorizing a municipality and  
875 county to determine by ordinance the number and  
876 location of, and other permitting requirements for,  
877 all cultivation, processing, and retail facilities  
878 located within its respective boundaries; specifying  
879 requirements for retail facilities; requiring a  
880 dispensing organization to provide the department with  
881 certain updated information within a specified period;



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882 authorizing a dispensing organization or contractor to  
883 transport low-THC cannabis or low-THC cannabis  
884 products in vehicles in certain circumstances;  
885 requiring such vehicles to be operated by specified  
886 persons in certain circumstances; requiring a fee for  
887 a vehicle permit; requiring the signature of the  
888 designated driver with a vehicle permit application;  
889 providing for expiration of the permit in certain  
890 circumstances; requiring the department to cancel a  
891 vehicle permit upon the request of specified persons;  
892 providing that the licensee authorizes the inspection  
893 and search of his or her vehicle without a search  
894 warrant by specified persons; requiring all low-THC  
895 cannabis and low-THC cannabis products to be tested by  
896 an independent testing laboratory before the  
897 dispensing organization may dispense it; requiring the  
898 independent testing laboratory to provide the lab  
899 results to the dispensing organization for a specified  
900 determination; requiring all low-THC cannabis and low-  
901 THC cannabis products to be labeled with specified  
902 information before dispensing; requiring the  
903 University of Florida College of Pharmacy to establish  
904 and maintain a specified safety and efficacy research  
905 program; providing program requirements; requiring the  
906 department to provide information from the  
907 prescription drug monitoring program to the University  
908 of Florida as needed; requiring the Agency for Health  
909 Care Administration to provide access to specified  
910 patient records under certain circumstances;





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911 prohibiting persons who have direct or indirect  
912 interest in a dispensing organization and the  
913 dispensing organization's managers, employees, and  
914 contractors who directly interact with low-THC  
915 cannabis and low-THC cannabis products from making  
916 recommendations, offering prescriptions, or providing  
917 medical advice to qualified patients; providing that  
918 the act does not provide an exception to the  
919 prohibition against driving under the influence;  
920 authorizing specified individuals to manufacture,  
921 possess, sell, deliver, distribute, dispense, and  
922 lawfully dispose of reasonable quantities of low-THC  
923 cannabis; authorizing a laboratory and its employees  
924 to receive and possess low-THC cannabis in certain  
925 circumstances; amending s. 381.987, F.S.; requiring  
926 the department to allow specified persons engaged in  
927 research to access the compassionate use registry;  
928 amending s. 893.055, F.S.; providing that persons  
929 engaged in research at the University of Florida shall  
930 have access to specified information; amending s.  
931 893.0551, F.S.; authorizing certain persons engaged in  
932 research at the University of Florida to have access  
933 to specified information in the prescription drug  
934 monitoring program's database; requiring the  
935 Department of Health to provide notice to certain  
936 applicants for licensure as a dispensing organization  
937 if their applications do not comply with specified  
938 law; requiring the department to allow such applicant  
939 to correct and refile its application; providing an



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effective date.