

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rodrigues offered the following:

**Amendment to Amendment (307048) (with title amendment)**

Remove lines 6-1881 of the amendment and insert:

Section 1. Legislative intent.—It is the intent of the Legislature to implement s. 29, Art. X of the State Constitution by creating a unified regulatory structure. If s. 29, Art. X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.

Section 2. Paragraph (1) of subsection (2) of section 212.08, Florida Statutes, is redesignated as paragraph (m), and a new paragraph (l) is added to that subsection, to read:

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14           212.08 Sales, rental, use, consumption, distribution, and  
15 storage tax; specified exemptions.—The sale at retail, the  
16 rental, the use, the consumption, the distribution, and the  
17 storage to be used or consumed in this state of the following  
18 are hereby specifically exempt from the tax imposed by this  
19 chapter.

20           (2) EXEMPTIONS; MEDICAL.—

21           (1) Marijuana and marijuana delivery devices, as defined  
22 in s. 381.986, are exempt from the taxes imposed under this  
23 chapter. This paragraph expires June 30, 2019.

24           Section 3. Section 381.986, Florida Statutes, is amended  
25 to read:

26           (Substantial rewording of section. See  
27 s. 381.986, F.S., for present text.)

28           381.986 Medical use of marijuana.—

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

30           (a) "Caregiver" means a resident of this state who has  
31 agreed to assist with a qualified patient's medical use of  
32 marijuana, has a caregiver identification card, and meets the  
33 requirements of subsection (6).

34           (b) "Chronic nonmalignant pain" means pain that is caused  
35 by a qualifying medical condition or that originates from a  
36 qualifying medical condition and persists beyond the usual  
37 course of that qualifying medical condition.

38           (c) "Close relative" means a spouse, parent, sibling,

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39 grandparent, child, or grandchild, whether related by whole or  
40 half blood, by marriage, or by adoption.

41 (d) "Edibles" means commercially produced food items made  
42 with marijuana oil, but no other form of marijuana, that are  
43 produced and dispensed by a medical marijuana treatment center.

44 (e) "Low-THC cannabis" means a plant of the genus  
45 Cannabis, the dried flowers of which contain 0.8 percent or less  
46 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
47 weight for weight; the seeds thereof; the resin extracted from  
48 any part of such plant; or any compound, manufacture, salt,  
49 derivative, mixture, or preparation of such plant or its seeds  
50 or resin that is dispensed from a medical marijuana treatment  
51 center.

52 (f) "Marijuana" means all parts of any plant of the genus  
53 Cannabis, whether growing or not; the seeds thereof; the resin  
54 extracted from any part of the plant; and every compound,  
55 manufacture, salt, derivative, mixture, or preparation of the  
56 plant or its seeds or resin, including low-THC cannabis, which  
57 are dispensed from a medical marijuana treatment center for  
58 medical use by a qualified patient.

59 (g) "Marijuana delivery device" means an object used,  
60 intended for use, or designed for use in preparing, storing,  
61 ingesting, inhaling, or otherwise introducing marijuana into the  
62 human body, and which is dispensed from a medical marijuana  
63 treatment center for medical use by a qualified patient.

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64 (h) "Marijuana testing laboratory" means a facility that  
65 collects and analyzes marijuana samples from a medical marijuana  
66 treatment center and has been certified by the department  
67 pursuant to s. 381.988.

68 (i) "Medical director" means a person who holds an active,  
69 unrestricted license as an allopathic physician under chapter  
70 458 or osteopathic physician under chapter 459 and is in  
71 compliance with the requirements of paragraph (3)(c).

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

75 1. Possession, use, or administration of marijuana that  
76 was not purchased or acquired from a medical marijuana treatment  
77 center.

78 2. Possession, use, or administration of marijuana in a  
79 form for smoking, in the form of commercially produced food  
80 items other than edibles, or of marijuana seeds or flower,  
81 except for flower in a sealed receptacle for vaping.

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

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

88 5. Use or administration of marijuana in the following

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89 locations:

90 a. On any form of public transportation, except for low-  
91 THC cannabis.

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

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

95 d. In a state correctional institution, as defined in s.  
96 944.02, or a correctional institution, as defined in s. 944.241.

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

99 f. In a school bus, a vehicle, an aircraft, or a  
100 motorboat, except for low-THC cannabis.

101 (k) "Physician certification" means a qualified  
102 physician's authorization for a qualified patient to receive  
103 marijuana and a marijuana delivery device from a medical  
104 marijuana treatment center.

105 (l) "Qualified patient" means a resident of this state who  
106 has been added to the medical marijuana use registry by a  
107 qualified physician to receive marijuana or a marijuana delivery  
108 device for a medical use and who has a qualified patient  
109 identification card.

110 (m) "Qualified physician" means a person who holds an  
111 active, unrestricted license as an allopathic physician under  
112 chapter 458 or as an osteopathic physician under chapter 459 and  
113 is in compliance with the physician education requirements of

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114 subsection (3).

115 (n) "Smoking" means burning or igniting a substance and  
116 inhaling the smoke.

117 (o) "Terminal condition" means a progressive disease or  
118 medical or surgical condition that causes significant functional  
119 impairment, is not considered by a treating physician to be  
120 reversible without the administration of life-sustaining  
121 procedures, and will result in death within 1 year after  
122 diagnosis if the condition runs its normal course.

123 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be  
124 diagnosed with at least one of the following conditions to  
125 qualify to receive marijuana or a marijuana delivery device:

126 (a) Cancer.

127 (b) Epilepsy.

128 (c) Glaucoma.

129 (d) Positive status for human immunodeficiency virus.

130 (e) Acquired immune deficiency syndrome.

131 (f) Post-traumatic stress disorder.

132 (g) Amyotrophic lateral sclerosis.

133 (h) Crohn's disease.

134 (i) Parkinson's disease.

135 (j) Multiple sclerosis.

136 (k) Medical conditions of the same kind or class as or  
137 comparable to those enumerated in paragraphs (a)-(j).

138 (l) A terminal condition diagnosed by a physician other

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139 | than the qualified physician issuing the physician  
140 | certification.

141 | (m) Chronic nonmalignant pain.

142 | (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

143 | (a) To be approved as a qualified physician, as defined in  
144 | paragraph (1) (m), a physician must successfully complete a 2-  
145 | hour course and subsequent examination offered by the Florida  
146 | Medical Association or the Florida Osteopathic Medical  
147 | Association which encompass the requirements of this section and  
148 | any rules adopted hereunder. The course and examination shall be  
149 | administered at least annually and may be offered in a distance  
150 | learning format, including an electronic, online format that is  
151 | available upon request. The price of the course may not exceed  
152 | \$500. A physician who has met the physician education  
153 | requirements of former s. 381.986(4), Florida Statutes 2016,  
154 | before the effective date of this section, shall be deemed to be  
155 | in compliance with this paragraph from the effective date of  
156 | this act until 90 days after the course and examination required  
157 | by this paragraph become available.

158 | (b) A qualified physician may not be employed by, or have  
159 | any direct or indirect economic interest in, a medical marijuana  
160 | treatment center or marijuana testing laboratory.

161 | (c) A medical director as defined in paragraph (1) (i) must  
162 | successfully complete a 2-hour course and subsequent examination  
163 | offered by the Florida Medical Association or the Florida

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164 Osteopathic Medical Association which encompass the requirements  
165 of this section and any rules adopted hereunder. The course and  
166 examination shall be administered at least annually and may be  
167 offered in a distance learning format, including an electronic,  
168 online format that is available upon request. The price of the  
169 course may not exceed \$500.

170 (4) PHYSICIAN CERTIFICATION.—

171 (a) A qualified physician may issue a physician  
172 certification only if the qualified physician:

173 1. Conducted a physical examination while physically  
174 present in the same room as the patient and a full assessment of  
175 the medical history of the patient.

176 2. Diagnosed the patient with at least one qualifying  
177 medical condition.

178 3. Determined that the medical use of marijuana would  
179 likely outweigh the potential health risks for the patient, and  
180 such determination must be documented in the patient's medical  
181 record. If a patient is younger than 18 years of age, a second  
182 physician must concur with this determination, and such  
183 concurrence must be documented in the patient's medical record.

184 4. Determined whether the patient is pregnant and  
185 documented such determination in the patient's medical record. A  
186 physician may not issue a physician certification, except for  
187 low-THC cannabis, to a patient who is pregnant.

188 5. Reviewed the patient's controlled drug prescription

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189 history in the prescription drug monitoring program database  
190 established pursuant to s. 893.055.

191 6. Reviewed the medical marijuana use registry and  
192 confirmed that the patient does not have an active physician  
193 certification from another qualified physician.

194 7. Registers as the issuer of the physician certification  
195 for the named qualified patient on the medical marijuana use  
196 registry in an electronic manner determined by the department,  
197 and:

198 a. Enters into the registry the contents of the physician  
199 certification, including the patient's qualifying condition and  
200 the dosage not to exceed the daily dose amount determined by the  
201 department, the amount and forms of marijuana authorized for the  
202 patient, and any types of marijuana delivery devices needed by  
203 the patient for the medical use of marijuana.

204 b. Updates the registry within 7 days after any change is  
205 made to the original physician certification to reflect such  
206 change.

207 c. Deactivates the registration of the qualified patient  
208 and the patient's caregiver when the physician no longer  
209 recommends the medical use of marijuana for the patient.

210 8. Obtains the voluntary and informed written consent of  
211 the patient for medical use of marijuana each time the qualified  
212 physician issues a physician certification for the patient,  
213 which shall be maintained in the patient's medical record. The

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214 patient, or the patient's parent or legal guardian if the  
215 patient is a minor, must sign the informed consent acknowledging  
216 that the qualified physician has sufficiently explained its  
217 content. The qualified physician must use a standardized  
218 informed consent form adopted in rule by the Board of Medicine  
219 and the Board of Osteopathic Medicine, which must include, at a  
220 minimum, information related to:

221 a. The Federal Government's classification of marijuana as  
222 a Schedule I controlled substance.

223 b. The approval and oversight status of marijuana by the  
224 Food and Drug Administration.

225 c. The current state of research on the efficacy of  
226 marijuana to treat the qualifying conditions set forth in this  
227 section.

228 d. The potential for addiction.

229 e. The potential effect that marijuana may have on a  
230 patient's coordination, motor skills, and cognition, including a  
231 warning against operating heavy machinery, operating a motor  
232 vehicle, or engaging in activities that require a person to be  
233 alert or respond quickly.

234 f. The potential side effects of marijuana use.

235 g. The risks, benefits, and drug interactions of  
236 marijuana.

237 h. That the patient's de-identified health information  
238 contained in the physician certification and medical marijuana

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239 use registry may be used for research purposes.

240 (b) If a qualified physician issues a physician  
241 certification for a qualified patient diagnosed with a  
242 qualifying medical condition pursuant to paragraph (2)(k), the  
243 physician must submit the following to the applicable board  
244 within 14 days after issuing the physician certification:

245 1. Documentation supporting the qualified physician's  
246 opinion that the medical condition is of the same kind or class  
247 as the conditions in paragraphs (2)(a)-(j).

248 2. Documentation that establishes the efficacy of  
249 marijuana as treatment for the condition.

250 3. Documentation supporting the qualified physician's  
251 opinion that the benefits of medical use of marijuana would  
252 likely outweigh the potential health risks for the patient.

253 4. Any other documentation as required by board rule.

254  
255 The department must submit such documentation to the Coalition  
256 for Medical Marijuana Research and Education established  
257 pursuant to s. 1004.4351.

258 (c) A qualified physician may not issue a physician  
259 certification for more than three 70-day supply limits of  
260 marijuana. The department shall quantify by rule a daily dose  
261 amount with equivalent dose amounts for each allowable form of  
262 marijuana dispensed by a medical marijuana treatment center. The  
263 department shall use the daily dose amount to calculate a 70-day

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- 264 supply.
- 265 1. A qualified physician may request an exception to the  
266 daily dose amount limit. The request shall be made  
267 electronically on a form adopted by the department in rule and  
268 must include, at a minimum:
- 269 a. The qualified patient's qualifying medical condition.  
270 b. The dosage and route of administration that was  
271 insufficient to provide relief to the qualified patient.  
272 c. A description of how the patient will benefit from an  
273 increased amount.
- 274 d. The minimum daily dose amount of marijuana that would  
275 be sufficient for the treatment of the qualified patient's  
276 qualifying medical condition.
- 277 2. A qualified physician must provide the qualified  
278 patient's records upon the request of the department.
- 279 3. The department shall approve or disapprove the request  
280 within 14 days after receipt of the complete documentation  
281 required by this paragraph. The request shall be deemed approved  
282 if the department fails to act within this time period.
- 283 (d) A qualified physician must evaluate an existing  
284 qualified patient at least once every 30 weeks prior to issuing  
285 a new physician certification. A physician must:
- 286 1. Determine if the patient still meets the requirements  
287 of a qualified patient under paragraph (a).
- 288 2. Identify and document in the qualified patient's medical

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289 records whether the qualified patient experienced either of the  
290 following related to the medical use of marijuana:

291 a. An adverse drug interaction with any prescription or  
292 nonprescription medication; or

293 b. A reduction in the use of, or dependence on, other  
294 types of controlled substances as defined in s. 893.02.

295 3. Submit a report with the findings required pursuant to  
296 subparagraph 2. to the department. The department shall submit  
297 such reports to the Coalition for Medical Marijuana Research and  
298 Education established pursuant to s. 1004.4351.

299 (e) An active order for low-THC cannabis or medical  
300 cannabis issued pursuant to former s. 381.986, Florida Statutes  
301 2016, and registered with the compassionate use registry before  
302 the effective date of this section, is deemed a physician  
303 certification, and all patients possessing such orders are  
304 deemed qualified patients until the department begins issuing  
305 medical marijuana use registry identification cards.

306 (f) The department shall monitor physician registration in  
307 the medical marijuana use registry and the issuance of physician  
308 certifications for practices that could facilitate unlawful  
309 diversion or misuse of marijuana or a marijuana delivery device  
310 and shall take disciplinary action as appropriate.

311 (g) The Board of Medicine and the Board of Osteopathic  
312 Medicine shall jointly create a physician certification pattern  
313 review panel that shall review all physician certifications

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314 submitted to the medical marijuana use registry. The panel shall  
315 track and report the number of physician certifications and the  
316 qualifying medical conditions, dosage, supply amount, and form  
317 of marijuana certified. The panel shall report the data both by  
318 individual qualified physician and in the aggregate, by county,  
319 and statewide. The physician certification pattern review panel  
320 shall, beginning January 1, 2018, submit an annual report of its  
321 findings and recommendations to the Governor, the President of  
322 the Senate, and the Speaker of the House of Representatives.

323 (h) The department, the Board of Medicine, and the Board  
324 of Osteopathic Medicine may adopt rules pursuant to ss.  
325 120.536(1) and 120.54 to implement this subsection.

326 (5) MEDICAL MARIJUANA USE REGISTRY.—

327 (a) The department shall create and maintain a secure,  
328 electronic, and online medical marijuana use registry for  
329 physicians, patients, and caregivers as provided under this  
330 section. The medical marijuana use registry must be accessible  
331 to law enforcement agencies, qualified physicians, and medical  
332 marijuana treatment centers to verify the authorization of a  
333 qualified patient or a caregiver to possess marijuana or a  
334 marijuana delivery device and record the marijuana or marijuana  
335 delivery device dispensed. The medical marijuana use registry  
336 must also be accessible to practitioners licensed to prescribe  
337 prescription drugs to ensure proper care for patients before  
338 medications that may interact with the medical use of marijuana

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339 are prescribed. The medical marijuana use registry must prevent  
340 an active registration of a qualified patient by multiple  
341 physicians.

342 (b) The department shall determine whether an individual  
343 is a resident of this state for the purpose of registration of  
344 qualified patients and caregivers in the medical marijuana use  
345 registry. To prove residency:

346 1. An adult resident must provide the department with a  
347 copy of his or her valid Florida driver license issued under s.  
348 322.18 or a copy of a valid Florida identification card issued  
349 under s. 322.051.

350 2. An adult seasonal resident who cannot meet the  
351 requirements of subparagraph 1. may provide the department with  
352 a copy of two of the following that show proof of residential  
353 address:

354 a. A deed, mortgage, monthly mortgage statement, mortgage  
355 payment booklet or residential rental or lease agreement.

356 b. One proof of residential address from the seasonal  
357 resident's parent, step-parent, legal guardian or other person  
358 with whom the seasonal resident resides and a statement from the  
359 person with whom the seasonal resident resides stating that the  
360 seasonal resident does reside with him or her.

361 c. A utility hook up or work order dated within 60 days  
362 prior to registration in the medical use registry.

363 d. A utility bill, not more than 2 months old.

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364 e. Mail from a financial institution, including checking,  
365 savings, or investment account statements, not more than 2  
366 months old.

367 f. Mail from a federal, state, county, or municipal  
368 government agency, not more than 2 months old.

369 g. Any other documentation that provides proof of  
370 residential address as determined by department rule.

371 3. "Seasonal resident" means any person who:

372 a. Temporarily resides in this state for a period of at  
373 least 31 consecutive days in each calendar year;

374 b. Maintains a temporary residence in this state;

375 c. Returns to the state or jurisdiction of his or her  
376 residence at least one time during each calendar year; and

377 d. Is registered to vote or pays income tax in another  
378 state or jurisdiction.

379 4. A minor must provide the department with a certified  
380 copy of a birth certificate or a current record of registration  
381 from a Florida K-12 school and must have a parent or legal  
382 guardian who meets the requirements of subparagraph 1.

383 (c) The department may suspend or revoke the registration  
384 of a qualified patient or caregiver if the qualified patient or  
385 caregiver:

386 1. Provides misleading, incorrect, false, or fraudulent  
387 information to the department;

388 2. Obtains a supply of marijuana in an amount greater than

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389 the amount authorized by the physician certification;

390 3. Falsifies, alters, or otherwise modifies an  
391 identification card;

392 4. Fails to timely notify the department of any changes to  
393 his or her qualified patient status; or

394 5. Violates the requirements of this section or any rule  
395 adopted under this section.

396 (d) The department shall immediately suspend the  
397 registration of a qualified patient charged with a violation of  
398 chapter 893 until final disposition of any alleged offense.  
399 Thereafter, the department may extend the suspension, revoke the  
400 registration, or reinstate the registration.

401 (e) The department shall immediately suspend the  
402 registration of any caregiver charged with a violation of  
403 chapter 893 until final disposition of any alleged offense. The  
404 department shall revoke a caregiver registration if the  
405 caregiver does not meet the requirements of subparagraph  
406 (6) (b) 6.

407 (f) The department may revoke the registration of a  
408 qualified patient or caregiver who cultivates marijuana or who  
409 acquires, possesses, or delivers marijuana from any person or  
410 entity other than a medical marijuana treatment center.

411 (g) The department shall revoke the registration of a  
412 qualified patient, and the patient's associated caregiver, upon  
413 notification that the patient no longer meets the criteria of a

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414 qualified patient.

415 (h) The department may adopt rules pursuant to ss.  
416 120.536(1) and 120.54 to implement this subsection.

417 (6) CAREGIVERS.—

418 (a) The department must register an individual as a  
419 caregiver on the medical marijuana use registry and issue a  
420 caregiver identification card if an individual designated by a  
421 qualified patient meets all of the requirements of this  
422 subsection and department rule.

423 (b) A caregiver must:

424 1. Not be a qualified physician and not be employed by or  
425 have an economic interest in a medical marijuana treatment  
426 center or a marijuana testing laboratory.

427 2. Be 21 years of age or older and a resident of this  
428 state.

429 3. Agree in writing to assist with the qualified patient's  
430 medical use of marijuana.

431 4. Be registered in the medical marijuana use registry as  
432 a caregiver for no more than one qualified patient, except as  
433 provided in this paragraph.

434 5. Successfully complete a caregiver certification course  
435 developed and administered by the department or its designee,  
436 which must be renewed biennially. The price of the course may  
437 not exceed \$100.

438 6. Pass a background screening pursuant to subsection (9),

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439 unless the patient is a close relative of the caregiver.

440 (c) A qualified patient may designate no more than one  
441 caregiver to assist with the qualified patient's medical use of  
442 marijuana, unless:

443 1. The qualified patient is a minor and the designated  
444 caregivers are parents or legal guardians of the qualified  
445 patient;

446 2. The qualified patient is an adult who has an  
447 intellectual or developmental disability that prevents the  
448 patient from being able to protect or care for himself or  
449 herself without assistance or supervision and the designated  
450 caregivers are the parents or legal guardians of the qualified  
451 patient; or

452 3. The qualified patient is admitted to a hospice program.

453 (d) A caregiver may be registered in the medical marijuana  
454 use registry as a designated caregiver for no more than one  
455 qualified patient, unless:

456 1. The caregiver is a parent or legal guardian of more  
457 than one minor who is a qualified patient;

458 2. The caregiver is a parent or legal guardian of more  
459 than one adult who is a qualified patient and who has an  
460 intellectual or developmental disability that prevents the  
461 patient from being able to protect or care for himself or  
462 herself without assistance or supervision; or

463 3. All qualified patients the caregiver has agreed to

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464 assist are admitted to a hospice program and have requested the  
465 assistance of that caregiver with the medical use of marijuana;  
466 the caregiver is an employee of the hospice; and the caregiver  
467 provides personal care or other services directly to clients of  
468 the hospice in the scope of that employment.

469 (e) A caregiver may not receive compensation, other than  
470 actual expenses incurred, for any services provided to the  
471 qualified patient.

472 (f) If a qualified patient is younger than 18 years of  
473 age, only a caregiver may purchase or administer marijuana for  
474 medical use by the qualified patient. The qualified patient may  
475 not purchase marijuana.

476 (g) A caregiver must be in immediate possession of his or  
477 her medical marijuana use registry identification card at all  
478 times when in possession of marijuana or a marijuana delivery  
479 device and must present his or her medical marijuana use  
480 registry identification card upon the request of a law  
481 enforcement officer.

482 (h) The department may adopt rules pursuant to ss.  
483 120.536(1) and 120.54 to implement this subsection.

484 (7) IDENTIFICATION CARDS.-

485 (a) The department shall issue medical marijuana use  
486 registry identification cards for qualified patients and  
487 caregivers who are residents of this state, which must be  
488 renewed annually. The identification cards must be resistant to

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489 counterfeiting and tampering and must include, at a minimum, the  
490 following:

491 1. The name, address, and date of birth of the qualified  
492 patient or caregiver.

493 2. A full-face, passport-type, color photograph of the  
494 qualified patient or caregiver taken within the 90 days  
495 immediately preceding registration or the Florida driver license  
496 or Florida identification card photograph of the qualified  
497 patient or caregiver obtained directly from the Department of  
498 Highway Safety and Motor Vehicles.

499 3. Identification as a qualified patient or a caregiver.

500 4. The unique numeric identifier used for the qualified  
501 patient in the medical marijuana use registry.

502 5. For a caregiver, the name and unique numeric identifier  
503 of the caregiver and the qualified patient or patients that the  
504 caregiver is assisting.

505 6. The expiration date of the identification card.

506 (b) The department must receive written consent from a  
507 qualified patient's parent or legal guardian before it may issue  
508 an identification card to a qualified patient who is a minor.

509 (c) The department shall, by July 3, 2017, adopt rules  
510 pursuant to ss. 120.536(1) and 120.54 establishing procedures  
511 for the issuance, renewal, suspension, replacement, surrender,  
512 and revocation of medical marijuana use registry identification  
513 cards and shall begin issuing qualified patient identification

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514 cards by October 3, 2017.

515 (d) Applications for identification cards must be  
516 submitted on a form prescribed by the department. The department  
517 may charge a reasonable fee associated with the issuance,  
518 replacement, and renewal of identification cards. The department  
519 shall allocate \$10 of the identification card fee to the  
520 Division of Research at Florida Agricultural and Mechanical  
521 University for the purpose of educating minorities about  
522 marijuana for medical use and the impact of the unlawful use of  
523 marijuana on minority communities. The department may contract  
524 with a third-party vendor to issue identification cards. The  
525 vendor selected by the department must have experience  
526 performing similar functions for other state agencies.

527 (e) A qualified patient or caregiver must return his or  
528 her identification card to the department within 5 business days  
529 after revocation.

530 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

531 (a) The department shall license medical marijuana  
532 treatment centers to ensure reasonable statewide accessibility  
533 and availability as necessary for qualified patients registered  
534 in the medical marijuana use registry and who are issued a  
535 physician certification under this section.

536 1. The department shall license as a medical marijuana  
537 treatment center any entity that holds an active, unrestricted  
538 license to cultivate, process, transport, and dispense low-THC

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539 cannabis, medical cannabis, and cannabis delivery devices, under  
540 former s. 381.986, Florida Statutes 2016, before July 1, 2017,  
541 and which meets the requirements of this section. In addition to  
542 the authority granted under this section, these entities are  
543 authorized to dispense low-THC cannabis, medical cannabis, and  
544 cannabis delivery devices ordered pursuant to former s. 381.986,  
545 Florida Statutes 2016, which were entered into the compassionate  
546 use registry before July 1, 2017. The department may grant  
547 variances from the representations made in such an entity's  
548 original application for approval under former s. 381.986,  
549 Florida Statutes 2014, pursuant to paragraph (e).

550 2. The department shall also license as a medical  
551 marijuana treatment center any applicant that was denied a  
552 dispensing organization license by the department under former  
553 s. 381.986, Florida Statutes 2014, if the applicant is awarded a  
554 license pursuant to an administrative or legal challenge filed  
555 prior to January 1, 2017, and meets the requirements of this  
556 section.

557 3. As soon as practicable, but no later than July 1, 2018,  
558 the department shall license as medical marijuana treatment  
559 centers ten applicants that meet the requirements of this  
560 section, except as provided in sub-subparagraph b., including:

561 a. One applicant per region which was a qualified  
562 dispensing organization applicant under former s. 381.986,  
563 Florida Statutes 2014; was the next-highest scoring applicant

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564 after the applicant or applicants that were awarded a license  
565 for that region; and is not licensed in another region.

566 b. One applicant that is a recognized class member of  
567 Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black  
568 Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of  
569 the Black Farmers and Agriculturalists Association-Florida  
570 Chapter; and meets the requirements of subparagraphs (b)3.-9.

571 4. Within 6 months after the registration of 100,000  
572 active qualified patients in the medical marijuana use registry,  
573 the department shall license four additional medical marijuana  
574 treatment centers that meet the requirements of this section.  
575 Thereafter, the department shall license four medical marijuana  
576 treatment centers within 6 months after the registration of each  
577 additional 100,000 active qualified patients in the medical  
578 marijuana use registry that meet the requirements of this  
579 section.

580 5. A medical marijuana treatment center may not establish  
581 or operate more than 50 dispensing facilities. This subparagraph  
582 expires June 30, 2019. If this subparagraph or its application  
583 to any person or circumstance is held invalid, the invalidity  
584 does not affect other provisions or applications of this act  
585 which can be given effect without the invalid provision or  
586 application, and to this end this provision of this act is  
587 severable.

588 (b) An applicant for licensure as a medical marijuana

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589 treatment center shall apply to the department on a form  
590 prescribed by the department and adopted in rule. The department  
591 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
592 establishing a procedure for the issuance and biennial renewal  
593 of licenses, including initial application and biennial renewal  
594 fees sufficient to cover the costs of administering this  
595 licensure program. The department shall identify applicants with  
596 strong diversity plans reflecting this state's commitment to  
597 diversity and implement training programs and other educational  
598 programs to enable minority persons and minority business  
599 enterprises, as defined in s. 288.703, and veteran business  
600 enterprises, as defined in s. 295.187, to compete for medical  
601 marijuana treatment center licensure and contracts. Subject to  
602 the requirements in subparagraphs (a)2.-4., the department shall  
603 issue a license to an applicant if the applicant meets the  
604 requirements of this section and pays the initial application  
605 fee. The department shall renew the licensure of a medical  
606 marijuana treatment center biennially if the licensee meets the  
607 requirements of this section and pays the biennial renewal fee.  
608 An individual may not be an applicant, owner, officer, board  
609 member, or manager on more than one application for licensure as  
610 a medical marijuana treatment center. An individual or entity  
611 may not be awarded more than one license as a medical marijuana  
612 treatment center. An applicant for licensure as a medical  
613 marijuana treatment center must demonstrate:

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614 1. That, for the 5 consecutive years before submitting the  
615 application, the applicant has been registered to do business in  
616 in the state.

617 2. Possession of a valid certificate of registration  
618 issued by the Department of Agriculture and Consumer Services  
619 pursuant to s. 581.131.

620 3. The technical and technological ability to cultivate and  
621 produce marijuana, including, but not limited to, low-THC  
622 cannabis.

623 4. The ability to secure the premises, resources, and  
624 personnel necessary to operate as a medical marijuana treatment  
625 center.

626 5. The ability to maintain accountability of all raw  
627 materials, finished products, and any byproducts to prevent  
628 diversion or unlawful access to or possession of these  
629 substances.

630 6. An infrastructure reasonably located to dispense  
631 marijuana to registered qualified patients statewide or  
632 regionally as determined by the department.

633 7. The financial ability to maintain operations for the  
634 duration of the 2-year approval cycle, including the provision  
635 of certified financial statements to the department. Upon  
636 approval, the applicant must post a \$5 million performance bond.  
637 However, a medical marijuana treatment center serving at least  
638 1,000 qualified patients is only required to maintain a \$2

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639 million performance bond.

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

642 9. The employment of a medical director to supervise the  
643 activities of the medical marijuana treatment center.

644 10. A diversity plan that promotes and ensures the  
645 involvement of minority persons and minority business  
646 enterprises, as defined in s. 288.703, or veteran business  
647 enterprises, as defined in s. 295.187, in ownership, management,  
648 and employment. An applicant for licensure renewal must show the  
649 effectiveness of the diversity plan by including the following  
650 with his or her application for renewal:

651 a. Representation of minority persons and veterans in the  
652 medical marijuana treatment center's workforce;

653 b. Efforts to recruit minority persons and veterans for  
654 employment; and

655 c. A record of contracts for services with minority  
656 business enterprises and veteran business enterprises.

657 (c) A medical marijuana treatment center may not make a  
658 wholesale purchase of marijuana from, or a distribution of  
659 marijuana to, another medical marijuana treatment center, unless  
660 the medical marijuana treatment center seeking to make a  
661 wholesale purchase of marijuana submits proof of harvest failure  
662 to the department.

663 (d) The department shall establish, maintain, and control

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664 a computer software tracking system that traces marijuana from  
665 seed to sale and allows real-time, 24-hour access by the  
666 department to data from all medical marijuana treatment centers  
667 and marijuana testing laboratories. The tracking system must  
668 allow for integration of other seed-to-sale systems and, at a  
669 minimum, include notification of when marijuana seeds are  
670 planted, when marijuana plants are harvested and destroyed, and  
671 when marijuana is transported, sold, stolen, diverted, or lost.  
672 Each medical marijuana treatment center shall use the seed-to-  
673 sale tracking system established by the department or integrate  
674 its own seed-to-sale tracking system with the seed-to-sale  
675 tracking system established by the department. Each medical  
676 marijuana treatment center may use its own seed-to-sale system  
677 until the department establishes a seed-to-sale tracking system.  
678 The department may contract with a vendor to establish the seed-  
679 to-sale tracking system. The vendor selected by the department  
680 may not have a contractual relationship with the department to  
681 perform any services pursuant to this section other than the  
682 seed-to-sale tracking system. The vendor may not have a direct  
683 or indirect financial interest in a medical marijuana treatment  
684 center or a marijuana testing laboratory.

685 (e) A licensed medical marijuana treatment center shall  
686 cultivate, process, transport, and dispense marijuana for  
687 medical use. A licensed medical marijuana treatment center may  
688 not contract for services directly related to the cultivation,

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689 processing, and dispensing of marijuana or marijuana delivery  
690 devices, except that a medical marijuana treatment center  
691 licensed pursuant to subparagraph (a)1. may contract with a  
692 single entity for the cultivation, processing, transporting, and  
693 dispensing of marijuana and marijuana delivery devices. A  
694 licensed medical marijuana treatment center must, at all times,  
695 maintain compliance with the criteria demonstrated and  
696 representations made in the initial application and the criteria  
697 established in this subsection. Upon request, the department may  
698 grant a medical marijuana treatment center a variance from the  
699 representations made in the initial application. Consideration  
700 of such a request shall be based upon the individual facts and  
701 circumstances surrounding the request. A variance may not be  
702 granted unless the requesting medical marijuana treatment center  
703 can demonstrate to the department that it has a proposed  
704 alternative to the specific representation made in its  
705 application which fulfills the same or a similar purpose as the  
706 specific representation in a way that the department can  
707 reasonably determine will not be a lower standard than the  
708 specific representation in the application. A variance may not  
709 be granted from the requirements in subparagraph 2. and  
710 subparagraphs (b)1. and 2.

711 1. A licensed medical marijuana treatment center may  
712 transfer ownership to an individual or entity who meets the  
713 requirements of this section. A publicly traded corporation or

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714 publicly traded company that meets the requirements of this  
715 section is not precluded from ownership of a medical marijuana  
716 treatment center. To accommodate a change in ownership:

717 a. The licensed medical marijuana treatment center shall  
718 notify the department in writing at least 60 days before the  
719 anticipated date of the change of ownership.

720 b. The individual or entity applying for initial licensure  
721 due to a change of ownership must submit an application that  
722 must be received by the department at least 60 days prior to the  
723 date of change of ownership.

724 c. Upon receipt of an application for a license, the  
725 department shall examine the application and, within 30 days  
726 after receipt, notify the applicant in writing of any apparent  
727 errors or omissions and request any additional information  
728 required.

729 d. Requested information omitted from an application for  
730 licensure must be filed with the department within 21 days after  
731 the department's request for omitted information or the  
732 application shall be deemed incomplete and shall be withdrawn  
733 from further consideration and the fees shall be forfeited.

734  
735 Within 30 days after the receipt of a complete application, the  
736 department shall approve or deny the application.

737 2. A medical marijuana treatment center, and any  
738 individual or entity who directly or indirectly owns, controls,

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739 or holds with power to vote 5 percent or more of the voting  
740 shares of a medical marijuana treatment center, may not acquire  
741 direct or indirect ownership or control of any voting shares or  
742 other form of ownership of any other medical marijuana treatment  
743 center.

744 3. A medical marijuana treatment center may not enter into  
745 any form of profit-sharing arrangement with the property owner  
746 or lessor of any of its facilities where cultivation,  
747 processing, storing, or dispensing of marijuana and marijuana  
748 delivery devices occurs.

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

752 5. Each medical marijuana treatment center must adopt and  
753 enforce policies and procedures to ensure employees and  
754 volunteers receive training on the legal requirements to  
755 dispense marijuana to qualified patients.

756 6. When growing marijuana, a medical marijuana treatment  
757 center:

758 a. May use pesticides determined by the department, after  
759 consultation with the Department of Agriculture and Consumer  
760 Services, to be safely applied to plants intended for human  
761 consumption, but may not use pesticides designated as  
762 restricted-use pesticides pursuant to s. 487.042.

763 b. Must grow marijuana within an enclosed structure and in

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764 a room separate from any other plant.

765 c. Must inspect seeds and growing plants for plant pests  
766 that endanger or threaten the horticultural and agricultural  
767 interests of the state in accordance with chapter 581 and any  
768 rules adopted thereunder.

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

772 7. Each medical marijuana treatment center must produce  
773 and make available for purchase at least one low-THC cannabis  
774 product.

775 8. A medical marijuana treatment center that produces  
776 edibles must hold a permit to operate as a food establishment  
777 pursuant to chapter 500, the Florida Food Safety Act, and must  
778 comply with all the requirements for food establishments  
779 pursuant to chapter 500 and any rules adopted thereunder.

780 Edibles may not contain more than 200 milligrams of  
781 tetrahydrocannabinol and a single serving portion of an edible  
782 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
783 may have a potency variance of no greater than 15 percent.  
784 Edibles may not be attractive to children; be manufactured in  
785 the shape of humans, cartoons, or animals; be manufactured in a  
786 form that bears any reasonable resemblance to products available  
787 for consumption as commercially available candy; or contain any  
788 color additives. To discourage consumption of edibles by

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789 children, the department shall determine by rule any shapes,  
790 forms, and ingredients allowed and prohibited for edibles.  
791 Medical marijuana treatment centers may not begin processing or  
792 dispensing edibles until after the effective date of the rule.  
793 The department shall also adopt sanitation rules providing the  
794 standards and requirements for the storage, display, or  
795 dispensing of edibles.

796 9. When processing marijuana, a medical marijuana  
797 treatment center must:

798 a. Process the marijuana within an enclosed structure and  
799 in a room separate from other plants or products.

800 b. Not use a hydrocarbon based solvent, such as butane,  
801 hexane, or propane, to extract or separate resin from marijuana.

802 c. Test the processed marijuana using a medical marijuana  
803 testing laboratory before it is dispensed. Results must be  
804 verified and signed by two medical marijuana treatment center  
805 employees. Before dispensing, the medical marijuana treatment  
806 center must determine that the test results indicate that low-  
807 THC cannabis meets the definition of low-THC cannabis, the  
808 concentration of tetrahydrocannabinol meets the potency  
809 requirements of this section, the labeling of the concentration  
810 of tetrahydrocannabinol and cannabidiol is accurate, and all  
811 marijuana is safe for human consumption and free from  
812 contaminants that are unsafe for human consumption. The  
813 department shall determine by rule which contaminants must be

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814 tested for and the maximum levels of each contaminant which are  
815 safe for human consumption. The Department of Agriculture and  
816 Consumer Services shall assist the department in developing the  
817 testing requirements for contaminants that are unsafe for human  
818 consumption in edibles. The department shall also determine by  
819 rule the procedures for the treatment of marijuana that fails to  
820 meet the testing requirements of this section, s. 381.988, or  
821 department rule. The department may select a random sample from  
822 edibles available for purchase in a dispensing facility that  
823 shall be tested by the department to determine that the edible  
824 meets the potency requirements of this section, is safe for  
825 human consumption, and the labeling of the tetrahydrocannabinol  
826 and cannabidiol concentration is accurate. A medical marijuana  
827 treatment center may not require payment from the department for  
828 the sample. A medical marijuana treatment center must recall  
829 edibles, including all edibles made from the same batch of  
830 marijuana, which fail to meet the potency requirements of this  
831 section, which are unsafe for human consumption, or for which  
832 the labeling of the tetrahydrocannabinol and cannabidiol  
833 concentration is inaccurate. The medical marijuana treatment  
834 center must retain records of all testing and samples of each  
835 homogenous batch of marijuana for at least 9 months. The medical  
836 marijuana treatment center must contract with a marijuana  
837 testing laboratory to perform audits on the medical marijuana  
838 treatment center's standard operating procedures, testing

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839 records, and samples and provide the results to the department  
840 to confirm that the marijuana or low-THC cannabis meets the  
841 requirements of this section and that the marijuana or low-THC  
842 cannabis is safe for human consumption. A medical marijuana  
843 treatment center shall reserve two processed samples from each  
844 batch and retain such samples for at least 9 months for the  
845 purpose such audits. A medical marijuana treatment center may  
846 use a laboratory that has not been certified by the department  
847 under s. 381.988 until such time as at least one laboratory  
848 holds the required certification, but in no event later than  
849 July 1, 2018.

850 d. Package the marijuana in compliance with the United  
851 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
852 1471 et seq.

853 e. Package the marijuana in a receptacle that has a firmly  
854 affixed and legible label stating the following information:

855 (I) The marijuana or low-THC cannabis meets the  
856 requirements of sub-subparagraph c.

857 (II) The name of the medical marijuana treatment center  
858 from which the marijuana originates.

859 (III) The batch number and harvest number from which the  
860 marijuana originates and the date dispensed.

861 (IV) The name of the physician who issued the physician  
862 certification.

863 (V) The name of the patient.

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864 (VI) The product name, if applicable, and dosage form,  
865 including concentration of tetrahydrocannabinol and cannabidiol.  
866 The product name may not contain wording commonly associated  
867 with products marketed by or to children.

868 (VII) The recommended dose.

869 (VIII) A warning that it is illegal to transfer medical  
870 marijuana to another person.

871 (IX) A marijuana universal symbol developed by the  
872 department.

873 10. The medical marijuana treatment center shall include  
874 in each package a patient package insert with information on the  
875 specific product dispensed related to:

- 876 a. Clinical pharmacology.  
877 b. Indications and use.  
878 c. Dosage and administration.  
879 d. Dosage forms and strengths.  
880 e. Contraindications.  
881 f. Warnings and precautions.  
882 g. Adverse reactions.

883 11. Each edible shall be individually sealed in plain,  
884 opaque wrapping marked only with the marijuana universal symbol.  
885 Where practical, each edible shall be marked with the marijuana  
886 universal symbol. In addition to the packaging and labeling  
887 requirements in subparagraphs 9. and 10., edible receptacles  
888 must be plain, opaque, and white without depictions of the

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889 product or images other than the medical marijuana treatment  
890 center's department-approved logo and the marijuana universal  
891 symbol. The receptacle must also include a list all of the  
892 edible's ingredients, storage instructions, an expiration date,  
893 a legible and prominent warning to keep away from children and  
894 pets, and a warning that the edible has not been produced or  
895 inspected pursuant to federal food safety laws.

896 12. When dispensing marijuana or a marijuana delivery  
897 device, a medical marijuana treatment center:

898 a. May dispense any active, valid order for low-THC  
899 cannabis, medical cannabis and cannabis delivery devices issued  
900 pursuant to former s. 381.986, Florida Statutes 2016, which was  
901 been entered into the medical marijuana use registry before July  
902 1, 2017.

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

905 c. Must have the medical marijuana treatment center's  
906 employee who dispenses the marijuana or a marijuana delivery  
907 device enter into the medical marijuana use registry his or her  
908 name or unique employee identifier.

909 d. Must verify that the qualified patient and the  
910 caregiver, if applicable, each has an active registration in the  
911 medical marijuana use registry and an active and valid medical  
912 marijuana use registry identification card, the amount and type  
913 of marijuana dispensed matches the physician's certification in

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914 the medical marijuana use registry for that qualified patient,  
915 and the physician certification has not already been filled.

916 e. May not dispense marijuana to a qualified patient who  
917 is younger than 18 years of age. If the qualified patient is  
918 younger than 18 years of age, marijuana may only be dispensed to  
919 the qualified patient's caregiver.

920 f. May not dispense or sell any other type of cannabis,  
921 alcohol, or illicit drug-related product, including pipes,  
922 bongs, or wrapping papers, other than a marijuana delivery  
923 device required for the medical use of marijuana and which is  
924 specified in a physician certification.

925 g. Must, upon dispensing the marijuana or marijuana  
926 delivery device, record in the registry the date, time,  
927 quantity, and form of marijuana dispensed; the type of marijuana  
928 delivery device dispensed; and the name and medical marijuana  
929 use registry identification number of the qualified patient or  
930 caregiver to whom the marijuana delivery device was dispensed.

931 h. Must ensure that patient records are not visible to  
932 anyone other than the qualified patient, his or her caregiver,  
933 and authorized medical marijuana treatment center employees.

934 (f) To ensure the safety and security of premises where  
935 the cultivation, processing, storing, or dispensing of marijuana  
936 occurs, and to maintain adequate controls against the diversion,  
937 theft, and loss of marijuana or marijuana delivery devices, a  
938 medical marijuana treatment center shall:

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

943 b. Maintain a video surveillance system that records  
944 continuously 24 hours a day and meets the following criteria:

945 (I) Cameras are fixed in a place that allows for the clear  
946 identification of persons and activities in controlled areas of  
947 the premises. Controlled areas include grow rooms, processing  
948 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
949 rooms.

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

953 (III) Recorded images must clearly and accurately display  
954 the time and date.

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

957 2. Ensure that the medical marijuana treatment center's  
958 outdoor premises have sufficient lighting from dusk until dawn.

959 3. Ensure that the indoor premises where dispensing occurs  
960 includes a waiting area with sufficient space and seating to  
961 accommodate qualified patients and caregivers and at least one  
962 private consultation area that is isolated from the waiting area  
963 and area where dispensing occurs. A medical marijuana treatment

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964 center may not display products or dispense marijuana or  
965 marijuana delivery devices in the waiting area.

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

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

971 6. Require at least two of its employees, or two employees  
972 of a security agency with whom it contracts, to be on the  
973 premises at all times where cultivation, processing, or storing  
974 of marijuana occurs.

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

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

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

980 10. Report to local law enforcement within 24 hours after  
981 the medical marijuana treatment center is notified or becomes  
982 aware of the theft, diversion, or loss of marijuana.

983 (g) To ensure the safe transport of marijuana and  
984 marijuana delivery devices to medical marijuana treatment  
985 centers, marijuana testing laboratories, or qualified patients,  
986 a medical marijuana treatment center must:

987 1. Maintain a marijuana transportation manifest in any  
988 vehicle transporting marijuana. The marijuana transportation

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989 manifest must be generated from a medical marijuana treatment  
990 center's seed-to-sale tracking system and include the:

991 a. Departure date and approximate time of departure.

992 b. Name, location address, and license number of the  
993 originating medical marijuana treatment center.

994 c. Name and address of the recipient of the delivery.

995 d. Quantity and form of any marijuana or marijuana  
996 delivery device being transported.

997 e. Arrival date and estimated time of arrival.

998 f. Delivery vehicle make and model and license plate  
999 number.

1000 g. Name and signature of the medical marijuana treatment  
1001 center employees delivering the product.

1002 (I) A copy of the marijuana transportation manifest must  
1003 be provided to each individual, medical marijuana treatment  
1004 center, or marijuana testing laboratory that receives a  
1005 delivery. The individual, or a representative of the center or  
1006 laboratory, must sign a copy of the marijuana transportation  
1007 manifest acknowledging receipt.

1008 (II) An individual transporting marijuana or a marijuana  
1009 delivery device must present a copy of the relevant marijuana  
1010 transportation manifest and his or her employee identification  
1011 card to a law enforcement officer upon request.

1012 (III) Medical marijuana treatment centers and marijuana  
1013 testing laboratories must retain copies of all marijuana

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- 1014 transportation manifests for at least 3 years.
- 1015 2. Ensure only vehicles in good working order are used to  
1016 transport marijuana.
- 1017 3. Lock marijuana and marijuana delivery devices in a  
1018 separate compartment or container within the vehicle.
- 1019 4. Require employees to have possession of their employee  
1020 identification card at all times when transporting marijuana or  
1021 marijuana delivery devices.
- 1022 5. Require at least two persons to be in a vehicle  
1023 transporting marijuana or marijuana delivery devices, and  
1024 require at least one person to remain in the vehicle while the  
1025 marijuana or marijuana delivery device is being delivered.
- 1026 6. Provide specific safety and security training to  
1027 employees transporting or delivering marijuana and marijuana  
1028 delivery devices.
- 1029 (h) A medical marijuana treatment center may not engage in  
1030 advertising that is visible to members of the public from any  
1031 street, sidewalk, park, or other public place, except:
- 1032 1. The dispensing location of a medical marijuana  
1033 treatment center may have a sign that is affixed to the outside  
1034 or hanging in the window of the premises which identifies the  
1035 dispensary by the licensee's business name, a department-  
1036 approved trade name, or a department-approved logo. A medical  
1037 marijuana treatment center's trade name and logo may not contain  
1038 wording or images commonly associated with marketing targeted

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1039 toward children or which promote recreational use of marijuana.

1040 2. A medical marijuana treatment center may engage in  
1041 Internet advertising and marketing under the following  
1042 conditions:

1043 a. All advertisements must be approved by the department.

1044 b. An advertisement may not have any content that  
1045 specifically targets individuals under the age of 18, including  
1046 cartoon characters or similar images.

1047 c. An advertisement may not be an unsolicited pop-up  
1048 advertisement.

1049 d. Opt-in marketing must include an easy and permanent  
1050 opt-out feature.

1051 (i) Each medical marijuana treatment center that dispenses  
1052 marijuana and marijuana delivery devices shall make available to  
1053 the public on its website:

1054 1. Each marijuana and low-THC product available for  
1055 purchase, including the form, strain of marijuana from which it  
1056 was extracted, cannabidiol content, tetrahydrocannabinol  
1057 content, dose unit, total number of doses available, and the  
1058 ratio of cannabidiol to tetrahydrocannabinol for each product.

1059 2. The price for a 30-day, 50-day, and 70-day supply at a  
1060 standard dose for each marijuana and low-THC product available  
1061 for purchase.

1062 3. The price for each marijuana delivery device available  
1063 for purchase.

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1064 4. If applicable, any discount policies and eligibility  
1065 criteria for such discounts.

1066 (j) Medical marijuana treatment centers are the sole  
1067 source from which a qualified patient may legally obtain  
1068 marijuana.

1069 (k) The department may adopt rules pursuant to ss.  
1070 120.536(1) and 120.54 to implement this subsection.

1071 (9) BACKGROUND SCREENING.-An individual required to  
1072 undergo a background screening pursuant to this section must  
1073 pass a level 2 background screening as provided under chapter  
1074 435, which, in addition to the disqualifying offenses provided  
1075 in s. 435.04, shall exclude an individual who has an arrest  
1076 awaiting final disposition for, has been found guilty of,  
1077 regardless of adjudication, or has entered a plea of nolo  
1078 contendere or guilty to an offense under chapter 837, chapter  
1079 895, or chapter 896 or similar law of another jurisdiction.

1080 (a) Such individual must submit a full set of fingerprints  
1081 to the department or to a vendor, entity, or agency authorized  
1082 by s. 943.053(13). The department, vendor, entity, or agency  
1083 shall forward the fingerprints to the Department of Law  
1084 Enforcement for state processing, and the Department of Law  
1085 Enforcement shall forward the fingerprints to the Federal Bureau  
1086 of Investigation for national processing.

1087 (b) Fees for state and federal fingerprint processing and  
1088 retention shall be borne by the individual. The state cost for

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1089 fingerprint processing shall be as provided in s. 943.053(3)(e)  
1090 for records provided to persons or entities other than those  
1091 specified as exceptions therein.

1092 (c) Fingerprints submitted to the Department of Law  
1093 Enforcement pursuant to this subsection shall be retained by the  
1094 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
1095 (h) and, when the Department of Law Enforcement begins  
1096 participation in the program, enrolled in the Federal Bureau of  
1097 Investigation's national retained print arrest notification  
1098 program. Any arrest record identified shall be reported to the  
1099 department.

1100 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;  
1101 ADMINISTRATIVE ACTIONS.—

1102 (a) The department shall conduct announced or unannounced  
1103 inspections of medical marijuana treatment centers to determine  
1104 compliance with this section or rules adopted pursuant to this  
1105 section.

1106 (b) The department shall inspect a medical marijuana  
1107 treatment center upon receiving a complaint or notice that the  
1108 medical marijuana treatment center has dispensed marijuana  
1109 containing mold, bacteria, or other contaminant that may cause  
1110 or has caused an adverse effect to human health or the  
1111 environment.

1112 (c) The department shall conduct at least a biennial  
1113 inspection of each medical marijuana treatment center to

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1114 evaluate the medical marijuana treatment center's records,  
1115 personnel, equipment, processes, security measures, sanitation  
1116 practices, and quality assurance practices.

1117 (d) The Department of Agriculture and Consumer Services  
1118 and the department shall enter into an interagency agreement to  
1119 ensure cooperation and coordination in the performance of their  
1120 obligations under this section and their respective regulatory  
1121 and authorizing laws. The department, the Department of Highway  
1122 Safety and Motor Vehicles, and the Department of Law Enforcement  
1123 may enter into interagency agreements for the purposes specified  
1124 in this subsection or subsection (7).

1125 (e) The department shall publish a list of all approved  
1126 medical marijuana treatment centers, medical directors, and  
1127 qualified physicians on its website.

1128 (f) The department may impose reasonable fines not to  
1129 exceed \$10,000 on a medical marijuana treatment center for any  
1130 of the following violations:

1131 1. Violating this section or department rule.  
1132 2. Failing to maintain qualifications for approval.  
1133 3. Endangering the health, safety, or security of a  
1134 qualified patient.

1135 4. Improperly disclosing personal and confidential  
1136 information of the qualified patient.

1137 5. Attempting to procure medical marijuana treatment  
1138 center approval by bribery, fraudulent misrepresentation, or

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1139 extortion.

1140 6. Being convicted or found guilty of, or entering a plea  
1141 of guilty or nolo contendere to, regardless of adjudication, a  
1142 crime in any jurisdiction which directly relates to the business  
1143 of a medical marijuana treatment center.

1144 7. Making or filing a report or record that the medical  
1145 marijuana treatment center knows to be false.

1146 8. Willfully failing to maintain a record required by this  
1147 section or department rule.

1148 9. Willfully impeding or obstructing an employee or agent  
1149 of the department in the furtherance of his or her official  
1150 duties.

1151 10. Engaging in fraud or deceit, negligence, incompetence,  
1152 or misconduct in the business practices of a medical marijuana  
1153 treatment center.

1154 11. Making misleading, deceptive, or fraudulent  
1155 representations in or related to the business practices of a  
1156 medical marijuana treatment center.

1157 12. Having a license or the authority to engage in any  
1158 regulated profession, occupation, or business that is related to  
1159 the business practices of a medical marijuana treatment center  
1160 suspended, revoked, or otherwise acted against by the licensing  
1161 authority of any jurisdiction, including its agencies or  
1162 subdivisions, for a violation that would constitute a violation  
1163 under Florida law.

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1164 13. Violating a lawful order of the department or an  
1165 agency of the state, or failing to comply with a lawfully issued  
1166 subpoena of the department or an agency of the state.

1167 (g) The department may suspend, revoke, or refuse to renew  
1168 a medical marijuana treatment center license if the medical  
1169 marijuana treatment center commits any of the violations in  
1170 paragraph (f).

1171 (h) The department may adopt rules pursuant to ss.  
1172 120.536(1) and 120.54 to implement this subsection.

1173 (11) PREEMPTION.—Regulation of cultivation, processing,  
1174 and delivery of marijuana by medical marijuana treatment centers  
1175 is preempted to the state except as provided in this subsection.

1176 (a) A medical marijuana treatment center cultivating or  
1177 processing facility may not be located within 500 feet of the  
1178 real property that comprises a public or private elementary  
1179 school, middle school, or secondary school.

1180 (b) A municipality may determine by ordinance the criteria  
1181 for the number and location of, and other permitting  
1182 requirements that do not conflict with state law or department  
1183 rule for, medical marijuana treatment center dispensing  
1184 facilities located within the boundaries of the municipality. A  
1185 county may determine by ordinance the criteria for the number  
1186 and location of, and other permitting requirements that do not  
1187 conflict with state law or department rule for, all such  
1188 dispensing facilities located within the unincorporated areas of

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1189 that county. However, a medical marijuana treatment center  
1190 dispensing facility may not be located within 500 feet of the  
1191 real property that comprises a public or private elementary  
1192 school, middle school, or secondary school unless the county or  
1193 municipality approves the location through a formal proceeding  
1194 open to the public at which the county or municipality  
1195 determines that the location promotes the public health, safety,  
1196 and general welfare of the community. A dispensing facility  
1197 location approved by a municipality or county pursuant to former  
1198 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the  
1199 location requirements of this subsection.

1200 (c) Except as provided in paragraph (b), a county or  
1201 municipality may not enact ordinances for permitting or for  
1202 determining the location of dispensing facilities which are more  
1203 restrictive than that its ordinances permitting or determining  
1204 the locations for pharmacies licensed under chapter 465. A  
1205 municipality or county may not charge a medical marijuana  
1206 treatment center a license or permit fee in an amount greater  
1207 than the fee charged by such municipality or county to  
1208 pharmacies.

1209 (d) This subsection does not prohibit any local  
1210 jurisdiction from ensuring medical marijuana treatment center  
1211 facilities comply with the Florida Building Code, the Florida  
1212 Fire Prevention Code, or any local amendments to the Florida  
1213 Building Code or the Florida Fire Prevention Code.

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1214 (12) PENALTIES.—

1215 (a) A qualified physician commits a misdemeanor of the  
1216 first degree, punishable as provided in s. 775.082 or s.  
1217 775.083, if the qualified physician issues a physician  
1218 certification for the medical use of marijuana for a patient  
1219 without a reasonable belief that the patient is suffering from a  
1220 qualifying medical condition.

1221 (b) A person who fraudulently represents that he or she  
1222 has a qualifying medical condition to a qualified physician for  
1223 the purpose of being issued a physician certification commits a  
1224 misdemeanor of the first degree, punishable as provided in s.  
1225 775.082 or s. 775.083.

1226 (c) A qualified patient who uses marijuana, not including  
1227 low-THC cannabis, or a caregiver who administers marijuana, not  
1228 including low-THC cannabis, in plain view of or in a place open  
1229 to the general public; in a school bus, a vehicle, an aircraft,  
1230 or a boat; or on the grounds of a school except as provided in  
1231 s. 1006.062, commits a misdemeanor of the first degree,  
1232 punishable as provided in s. 775.082 or s. 775.083.

1233 (d) A qualified patient or caregiver who cultivates  
1234 marijuana or who purchases or acquires marijuana from any person  
1235 or entity other than a medical marijuana treatment center  
1236 violates s. 893.13 and is subject to the penalties provided  
1237 therein.

1238 (e)1. A qualified patient or caregiver in possession of

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1239 marijuana or a marijuana delivery device who fails or refuses to  
1240 present his or her marijuana use registry identification card  
1241 upon the request of a law enforcement officer commits a  
1242 misdemeanor of the second degree, punishable as provided in s.  
1243 775.082 or s. 775.083, unless it can be determined through the  
1244 medical marijuana use registry that the person is authorized to  
1245 be in possession of that marijuana or marijuana delivery device.

1246 2. A person charged with a violation of this paragraph may  
1247 not be convicted if, before or at the time of his or her court  
1248 or hearing appearance, the person produces in court or to the  
1249 clerk of the court in which the charge is pending a medical  
1250 marijuana use registry identification card issued to him or her  
1251 which is valid at the time of his or her arrest. The clerk of  
1252 the court is authorized to dismiss such case at any time before  
1253 the defendant's appearance in court. The clerk of the court may  
1254 assess a fee of \$5 for dismissing the case under this paragraph.

1255 (f) A caregiver who violates any of the applicable  
1256 provisions of this section or applicable department rules, for  
1257 the first offense, commits a misdemeanor of the second degree,  
1258 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1259 second or subsequent offense, commits a misdemeanor of the first  
1260 degree, punishable as provided in s. 775.082 or s. 775.083.

1261 (g) A qualified physician who issues a physician  
1262 certification for marijuana or a marijuana delivery device and  
1263 receives compensation from a medical marijuana treatment center

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1264 related to the issuance of a physician certification for  
1265 marijuana or a marijuana delivery device is subject to  
1266 disciplinary action under the applicable practice act and s.  
1267 456.072 (1) (n) .

1268 (h) A person transporting marijuana or marijuana delivery  
1269 devices on behalf of a medical marijuana treatment center or  
1270 marijuana testing laboratory who fails or refuses to present a  
1271 transportation manifest upon the request of a law enforcement  
1272 officer commits a misdemeanor of the second degree, punishable  
1273 as provided in s. 775.082 or s. 775.083.

1274 (i) Persons and entities conducting activities authorized  
1275 and governed by this section and s. 381.988 are subject to the  
1276 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1277 (j) A person or entity that cultivates, processes,  
1278 distributes, sells, or dispenses marijuana, as defined in s.  
1279 29(b) (4), Art. X of the State Constitution, and is not licensed  
1280 as a medical marijuana treatment center violates s. 893.13 and  
1281 is subject to the penalties provided therein.

1282 (13) UNLICENSED ACTIVITY.-

1283 (a) If the department has probable cause to believe that a  
1284 person or entity that is not registered or licensed with the  
1285 department has violated this section, s. 381.988, or any rule  
1286 adopted pursuant to this section, the department may issue and  
1287 deliver to such person or entity a notice to cease and desist  
1288 from such violation. The department also may issue and deliver a

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1289 notice to cease and desist to any person or entity who aids and  
1290 abets such unlicensed activity. The issuance of a notice to  
1291 cease and desist does not constitute agency action for which a  
1292 hearing under s. 120.569 or s. 120.57 may be sought. For the  
1293 purpose of enforcing a cease and desist order, the department  
1294 may file a proceeding in the name of the state seeking issuance  
1295 of an injunction or a writ of mandamus against any person or  
1296 entity who violates any provisions of such order.

1297 (b) In addition to the remedies under paragraph (a), the  
1298 department may impose by citation an administrative penalty not  
1299 to exceed \$5,000 per incident. The citation shall be issued to  
1300 the subject and shall contain the subject's name and any other  
1301 information the department determines to be necessary to  
1302 identify the subject, a brief factual statement, the sections of  
1303 the law allegedly violated, and the penalty imposed. If the  
1304 subject does not dispute the matter in the citation with the  
1305 department within 30 days after the citation is served, the  
1306 citation shall become a final order of the department. The  
1307 department may adopt rules pursuant to ss. 120.536(1) and 120.54  
1308 to implement this section. Each day that the unlicensed activity  
1309 continues after issuance of a notice to cease and desist  
1310 constitutes a separate violation. The department shall be  
1311 entitled to recover the costs of investigation and prosecution  
1312 in addition to the fine levied pursuant to the citation. Service  
1313 of a citation may be made by personal service or by mail to the

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1314 subject at the subject's last known address or place of  
1315 practice. If the department is required to seek enforcement of  
1316 the cease and desist or agency order, it shall be entitled to  
1317 collect attorney fees and costs.

1318 (c) In addition to or in lieu of any other administrative  
1319 remedy, the department may seek the imposition of a civil  
1320 penalty through the circuit court for any violation for which  
1321 the department may issue a notice to cease and desist. The civil  
1322 penalty shall be no less than \$5,000 and no more than \$10,000  
1323 for each offense. The court may also award to the prevailing  
1324 party court costs and reasonable attorney fees and, in the event  
1325 the department prevails, may also award reasonable costs of  
1326 investigation and prosecution.

1327 (d) In addition to the other remedies provided in this  
1328 section, the department or any state attorney may bring an  
1329 action for an injunction to restrain any unlicensed activity or  
1330 to enjoin the future operation or maintenance of the unlicensed  
1331 activity or the performance of any service in violation of this  
1332 section.

1333 (e) The department must notify local law enforcement of  
1334 such unlicensed activity for a determination of any criminal  
1335 violation of chapter 893.

1336 (14) EXCEPTIONS TO OTHER LAWS.—

1337 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1338 any other provision of law, but subject to the requirements of

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1339 this section, a qualified patient and the qualified patient's  
1340 caregiver may purchase from a medical marijuana treatment center  
1341 for the patient's medical use a marijuana delivery device and up  
1342 to the amount of marijuana authorized in the physician  
1343 certification, but may not possess more than a 70-day supply of  
1344 marijuana at any given time and all marijuana purchased must  
1345 remain in its original packaging.

1346 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1347 any other provision of law, but subject to the requirements of  
1348 this section, an approved medical marijuana treatment center and  
1349 its owners, managers, and employees may manufacture, possess,  
1350 sell, deliver, distribute, dispense, and lawfully dispose of  
1351 marijuana or a marijuana delivery device as provided in this  
1352 section, s. 381.988, and by department rule. For purposes of  
1353 this subsection, the terms "manufacture," "possession,"  
1354 "deliver," "distribute," and "dispense" have the same meanings  
1355 as provided in s. 893.02.

1356 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1357 any other provision of law, but subject to the requirements of  
1358 this section, a certified marijuana testing laboratory,  
1359 including an employee of a certified marijuana testing  
1360 laboratory acting within the scope of his or her employment, may  
1361 acquire, possess, test, transport, and lawfully dispose of  
1362 marijuana as provided in this section, in s. 381.988, and by  
1363 department rule.

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1364 (d) A licensed medical marijuana treatment center and its  
1365 owners, managers, and employees are not subject to licensure or  
1366 regulation under chapter 465 or chapter 499 for manufacturing,  
1367 possessing, selling, delivering, distributing, dispensing, or  
1368 lawfully disposing of marijuana or a marijuana delivery device,  
1369 as provided in this section, s. 381.988, and by department rule.

1370 (e) This subsection does not exempt a person from  
1371 prosecution for a criminal offense related to impairment or  
1372 intoxication resulting from the medical use of marijuana or  
1373 relieve a person from any requirement under law to submit to a  
1374 breath, blood, urine, or other test to detect the presence of a  
1375 controlled substance.

1376 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1377 any other provision of law, but subject to the requirements of  
1378 this section and pursuant to policies and procedures established  
1379 pursuant to s. 1006.62(8), school personnel may possess  
1380 marijuana that is obtained for medical use pursuant to this  
1381 section by a student who is a qualified patient.

1382 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1383 any other provision of law, but subject to the requirements of  
1384 this section, a research institute established by a public  
1385 postsecondary educational institution, such as the H. Lee  
1386 Moffitt Cancer Center and Research Institute established under  
1387 s. 1004.43, or a state university that has achieved the  
1388 preeminent state research university designation under s.

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1389 1001.7065 may possess, test, transport, and lawfully dispose of  
1390 marijuana for research purposes as provided by this section.

1391 (15) APPLICABILITY.—This section does not limit the  
1392 ability of an employer to establish, continue, or enforce a  
1393 drug-free workplace program or policy. This section does not  
1394 require an employer to accommodate the medical use of marijuana  
1395 in any workplace or any employee working while under the  
1396 influence of marijuana. This section does not create a cause of  
1397 action against an employer for wrongful discharge or  
1398 discrimination.

1399 Section 4. Paragraph (uu) is added to subsection (1) of  
1400 section 458.331, Florida Statutes, to read:

1401 458.331 Grounds for disciplinary action; action by the  
1402 board and department.—

1403 (1) The following acts constitute grounds for denial of a  
1404 license or disciplinary action, as specified in s. 456.072(2):

1405 (uu) Issuing a physician certification, as defined in s.  
1406 381.986, in a manner out of compliance with the requirements of  
1407 that section and rules adopted thereunder.

1408 Section 5. Paragraph (ww) is added to subsection (1) of  
1409 section 459.015, Florida Statutes, to read:

1410 459.015 Grounds for disciplinary action; action by the  
1411 board and department.—

1412 (1) The following acts constitute grounds for denial of a  
1413 license or disciplinary action, as specified in s. 456.072(2):

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1414 (ww) Issuing a physician certification, as defined in s.  
1415 381.986, in a manner not in compliance with the requirements of  
1416 that section and rules adopted thereunder.

1417 Section 6. Section 381.988, Florida Statutes, is created  
1418 to read:

1419 381.988 Medical marijuana testing laboratories; marijuana  
1420 tests conducted by a certified laboratory.-

1421 (1) A person or entity seeking to be a certified marijuana  
1422 testing laboratory must:

1423 (a) Not be owned or controlled by a medical marijuana  
1424 treatment center.

1425 (b) Submit a completed application accompanied by an  
1426 application fee, as established by department rule.

1427 (c) Submit proof of an accreditation or a certification  
1428 approved by the department issued by an accreditation or a  
1429 certification organization approved by the department. The  
1430 department shall adopt by rule a list of approved laboratory  
1431 accreditations or certifications and accreditation or  
1432 certification organizations.

1433 (d) Require all owners and managers to submit to and pass  
1434 a level 2 background screening pursuant to s. 435.04 and shall  
1435 deny certification if the person or entity has been found guilty  
1436 of, or has entered a plea of guilty or nolo contendere to,  
1437 regardless of adjudication, any offense listed in chapter 837,  
1438 chapter 895, or chapter 896 or similar law of another

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1439 jurisdiction.

1440 1. Such owners and managers must submit a full set of  
1441 fingerprints to the department or to a vendor, entity, or agency  
1442 authorized by s. 943.053(13). The department, vendor, entity, or  
1443 agency shall forward the fingerprints to the Department of Law  
1444 Enforcement for state processing, and the Department of Law  
1445 Enforcement shall forward the fingerprints to the Federal Bureau  
1446 of Investigation for national processing.

1447 2. Fees for state and federal fingerprint processing and  
1448 retention shall be borne by such owners or managers. The state  
1449 cost for fingerprint processing shall be as provided in s.  
1450 943.053(3) (e) for records provided to persons or entities other  
1451 than those specified as exceptions therein.

1452 3. Fingerprints submitted to the Department of Law  
1453 Enforcement pursuant to this paragraph shall be retained by the  
1454 Department of Law Enforcement as provided in s. 943.05(2) (g) and  
1455 (h) and, when the Department of Law Enforcement begins  
1456 participation in the program, enrolled in the Federal Bureau of  
1457 Investigation's national retained print arrest notification  
1458 program. Any arrest record identified shall be reported to the  
1459 department.

1460 (e) Demonstrate to the department the capability of  
1461 meeting the standards for certification required by this  
1462 subsection, and the testing requirements of s. 381.986 and this  
1463 section and rules adopted thereunder.

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1464       (2) The department shall adopt rules pursuant to ss.  
1465 120.536(1) and 120.54 establishing a procedure for initial  
1466 certification and biennial renewal, including initial  
1467 application and biennial renewal fees sufficient to cover the  
1468 costs of administering this certification program. The  
1469 department shall renew the certification biennially if the  
1470 laboratory meets the requirements of this section and pays the  
1471 biennial renewal fee.

1472       (3) The department shall adopt rules pursuant to ss.  
1473 120.536(1) and 120.54 establishing the standards for  
1474 certification of marijuana testing laboratories under this  
1475 section. The Department of Agriculture and Consumer Services and  
1476 the Department of Environmental Protection shall assist the  
1477 department in developing the rule, which must include, but is  
1478 not limited to:

1479       (a) Security standards.

1480       (b) Minimum standards for personnel.

1481       (c) Sample collection method and process standards.

1482       (d) Proficiency testing for tetrahydrocannabinol potency,  
1483 concentration of cannabidiol, and contaminants unsafe for human  
1484 consumption, as determined by department rule.

1485       (e) Reporting content, format, and frequency.

1486       (f) Audits and onsite inspections.

1487       (g) Quality assurance.

1488       (h) Equipment and methodology.

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- 1489        (i) Chain of custody.
- 1490        (j) Any other standard the department deems necessary to  
1491 ensure the health and safety of the public.
- 1492        (4) A marijuana testing laboratory may acquire marijuana  
1493 only from a medical marijuana treatment center. A marijuana  
1494 testing laboratory is prohibited from selling, distributing, or  
1495 transferring marijuana received from a marijuana treatment  
1496 center, except that a marijuana testing laboratory may transfer  
1497 a sample to another marijuana testing laboratory in this state.
- 1498        (5) A marijuana testing laboratory must properly dispose  
1499 of all samples it receives, unless transferred to another  
1500 marijuana testing laboratory, after all necessary tests have  
1501 been conducted and any required period of storage has elapsed,  
1502 as established by department rule.
- 1503        (6) A marijuana testing laboratory shall use the computer  
1504 software tracking system selected by the department under s.  
1505 381.986.
- 1506        (7) The following acts constitute grounds for which  
1507 disciplinary action specified in subsection (8) may be taken  
1508 against a certified marijuana testing laboratory:
- 1509        (a) Permitting unauthorized persons to perform technical  
1510 procedures or issue reports.
- 1511        (b) Demonstrating incompetence or making consistent errors  
1512 in the performance of testing or erroneous reporting.
- 1513        (c) Performing a test and rendering a report thereon to a

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1514 person or entity not authorized by law to receive such services.

1515 (d) Failing to file any report required under this section  
1516 or s. 381.986 or the rules adopted thereunder.

1517 (e) Reporting a test result if the test was not performed.

1518 (f) Failing to correct deficiencies within the time  
1519 required by the department.

1520 (g) Violating or aiding and abetting in the violation of  
1521 any provision of s. 381.986 or this section or any rules adopted  
1522 thereunder.

1523 (8) The department may refuse to issue or renew, or may  
1524 suspend or revoke, the certification of a marijuana testing  
1525 laboratory that is found to be in violation of this section or  
1526 any rules adopted hereunder. The department may impose fines for  
1527 violations of this section or rules adopted thereunder, based on  
1528 a schedule adopted in rule. In determining the administrative  
1529 action to be imposed for a violation, the department must  
1530 consider the following factors:

1531 (a) The severity of the violation, including the  
1532 probability of death or serious harm to the health or safety of  
1533 any person that may result or has resulted; the severity or  
1534 potential harm; and the extent to which the provisions of s.  
1535 381.986 or this section were violated.

1536 (b) The actions taken by the marijuana testing laboratory  
1537 to correct the violation or to remedy the complaint.

1538 (c) Any previous violation by the marijuana testing

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1539 laboratory.

1540 (d) The financial benefit to the marijuana testing  
1541 laboratory of committing or continuing the violation.

1542 (9) The department may adopt rules pursuant to ss.  
1543 120.536(1) and 120.54 to implement this section.

1544 Section 7. Section 381.989, Florida Statutes, is created  
1545 to read:

1546 381.989 Public education campaigns.-

1547 (1) DEFINITIONS.-As used in this section, the term:

1548 (a) "Cannabis" has the same meaning as in s. 893.02.

1549 (b) "Department" means the Department of Health.

1550 (c) "Marijuana" has the same meaning as in s. 381.986.

1551 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT  
1552 USE PREVENTION CAMPAIGN.-

1553 (a) The department shall implement a statewide cannabis  
1554 and marijuana education and illicit use prevention campaign to  
1555 publicize accurate information regarding:

1556 1. The legal requirements for licit use and possession of  
1557 marijuana in this state.

1558 2. Safe use of marijuana, including preventing access by  
1559 persons other than qualified patients as defined in s. 381.986,  
1560 particularly children.

1561 3. The short-term and long-term health effects of cannabis  
1562 and marijuana use, particularly on minors and young adults.

1563 4. Other cannabis-related and marijuana-related education

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1564 determined by the department to be necessary to the public  
1565 health and safety.

1566 (b) The department shall provide educational materials  
1567 regarding the eligibility for medical use of marijuana by  
1568 individuals diagnosed with a terminal condition to individuals  
1569 that provide palliative care or hospice services.

1570 (c) The department may use television messaging, radio  
1571 broadcasts, print media, digital strategies, social media, and  
1572 any other form of messaging deemed necessary and appropriate by  
1573 the department to implement the campaign. The department may  
1574 work with school districts, community organizations, and  
1575 businesses and business organizations and other entities to  
1576 provide training and programming.

1577 (d) The department may contract with one or more vendors  
1578 to implement the campaign.

1579 (e) The department shall contract with an independent  
1580 entity to conduct annual evaluations of the campaign. The  
1581 evaluations shall assess the reach and impact of the campaign,  
1582 success in educating the citizens of the state regarding the  
1583 legal parameters for marijuana use, success in preventing  
1584 illicit access by adults and youth, and success in preventing  
1585 negative health impacts from the legalization of marijuana. The  
1586 first year of the program, the evaluator shall conduct surveys  
1587 to establish baseline data on youth and adult cannabis use, the  
1588 attitudes of youth and the general public toward cannabis and

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1589 marijuana, and any other data deemed necessary for long-term  
1590 analysis. By January 31 of each year, the department shall  
1591 submit to the Governor, the President of the Senate, and the  
1592 Speaker of the House of Representatives the annual evaluation of  
1593 the campaign.

1594 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1595 (a) The Department of Highway Safety and Motor Vehicles  
1596 shall implement a statewide impaired driving education campaign  
1597 to raise awareness and prevent marijuana-related and cannabis-  
1598 related impaired driving and may contract with one or more  
1599 vendors to implement the campaign. The Department of Highway  
1600 Safety and Motor Vehicles may use television messaging, radio  
1601 broadcasts, print media, digital strategies, social media, and  
1602 any other form of messaging deemed necessary and appropriate by  
1603 the department to implement the campaign.

1604 (b) At a minimum, the Department of Highway Safety and  
1605 Motor Vehicles or a contracted vendor shall establish baseline  
1606 data on the number of marijuana-related citations for driving  
1607 under the influence, marijuana-related traffic arrests,  
1608 marijuana-related traffic accidents, and marijuana-related  
1609 traffic fatalities, and shall track these measures annually  
1610 thereafter. The Department of Highway Safety and Motor Vehicles  
1611 or a contracted vendor shall annually evaluate and compile a  
1612 report on the efficacy of the campaign based on those measures  
1613 and other measures established by the Department of Highway

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1614 Safety and Motor Vehicles. By January 31 of each year, the  
1615 Department of Highway Safety and Motor Vehicles shall submit the  
1616 report on the evaluation of the campaign to the Governor, the  
1617 President of the Senate, and the Speaker of the House of  
1618 Representatives.

1619 Section 8. Subsection (1) of section 385.211, Florida  
1620 Statutes, is amended to read:

1621 385.211 Refractory and intractable epilepsy treatment and  
1622 research at recognized medical centers.—

1623 (1) As used in this section, the term "low-THC cannabis"  
1624 means "low-THC cannabis" as defined in s. 381.986 that is  
1625 dispensed only from a dispensing organization as defined in  
1626 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1627 treatment center as defined in s. 381.986.

1628 Section 9. Paragraphs (b) through (e) of subsection (2) of  
1629 section 499.0295, Florida Statutes, are redesignated as  
1630 paragraphs (a) through (d), respectively, and present paragraphs  
1631 (a) and (c) of that subsection, and subsection (3) of that  
1632 section are amended to read:

1633 499.0295 Experimental treatments for terminal conditions.—

1634 (2) As used in this section, the term:

1635 ~~(a) "Dispensing organization" means an organization~~  
1636 ~~approved by the Department of Health under s. 381.986(5) to~~  
1637 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
1638 ~~medical cannabis, and cannabis delivery devices.~~

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1639        (b)~~(e)~~ "Investigational drug, biological product, or  
1640 device" means:

1641        ~~1.~~ a drug, biological product, or device that has  
1642 successfully completed phase 1 of a clinical trial but has not  
1643 been approved for general use by the United States Food and Drug  
1644 Administration and remains under investigation in a clinical  
1645 trial approved by the United States Food and Drug  
1646 Administration; ~~or~~

1647        ~~2. Medical cannabis that is manufactured and sold by a  
1648 dispensing organization.~~

1649        (3) Upon the request of an eligible patient, a  
1650 manufacturer may, ~~or upon a physician's order pursuant to s.~~  
1651 ~~381.986, a dispensing organization may:~~

1652        (a) Make its investigational drug, biological product, or  
1653 device available under this section.

1654        (b) Provide an investigational drug, biological product,  
1655 or device, ~~or cannabis delivery device as defined in s. 381.986~~  
1656 to an eligible patient without receiving compensation.

1657        (c) Require an eligible patient to pay the costs of, or  
1658 the costs associated with, the manufacture of the  
1659 investigational drug, biological product, or device, ~~or cannabis~~  
1660 ~~delivery device as defined in s. 381.986.~~

1661        Section 10. Subsection (3) of section 893.02, Florida  
1662 Statutes, is amended to read:

1663        893.02 Definitions.—The following words and phrases as

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1664 used in this chapter shall have the following meanings, unless  
1665 the context otherwise requires:

1666 (3) "Cannabis" means all parts of any plant of the genus  
1667 Cannabis, whether growing or not; the seeds thereof; the resin  
1668 extracted from any part of the plant; and every compound,  
1669 manufacture, salt, derivative, mixture, or preparation of the  
1670 plant or its seeds or resin. The term does not include  
1671 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if  
1672 manufactured, possessed, sold, purchased, delivered,  
1673 distributed, or dispensed, in conformance with s. 381.986.

1674 Section 11. Section 1004.4351, Florida Statutes, is created  
1675 to read:

1676 1004.4351 Medical marijuana research and education.-

1677 (1) SHORT TITLE.-This section shall be known and may be  
1678 cited as the "Medical Marijuana Research and Education Act."

1679 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

1680 (a) The present state of knowledge concerning the use of  
1681 marijuana to alleviate pain and treat illnesses is limited  
1682 because permission to perform clinical studies on marijuana is  
1683 difficult to obtain, with access to research-grade marijuana so  
1684 restricted that little or no unbiased studies have been  
1685 performed.

1686 (b) Under the State Constitution, marijuana is available  
1687 for the treatment of certain debilitating medical conditions.

1688 (c) Additional clinical studies are needed to ensure that

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1689 the residents of this state obtain the correct dosing,  
1690 formulation, route, modality, frequency, quantity, and quality  
1691 of marijuana for specific illnesses.

1692 (d) An effective medical marijuana research and education  
1693 program would mobilize the scientific, educational, and medical  
1694 resources that presently exist in this state to determine the  
1695 appropriate and best use of marijuana to treat illness.

1696 (3) DEFINITIONS.—As used in this section, the term:

1697 (a) "Board" means the Medical Marijuana Research and  
1698 Education Board.

1699 (b) "Coalition" means the Coalition for Medical Marijuana  
1700 Research and Education.

1701 (c) "Marijuana" has the same meaning as provided in s. 29,  
1702 Art. X of the State Constitution.

1703 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND  
1704 EDUCATION.—

1705 (a) There is established within the H. Lee Moffitt Cancer  
1706 Center and Research Institute, Inc., the Coalition for Medical  
1707 Marijuana Research and Education. The purpose of the coalition  
1708 is to conduct rigorous scientific research, provide education,  
1709 disseminate research, and guide policy for the adoption of a  
1710 statewide policy on ordering and dosing practices for the  
1711 medical use of marijuana. The coalition shall be physically  
1712 located at the H. Lee Moffitt Cancer Center and Research  
1713 Institute, Inc.

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1714        (b) The Medical Marijuana Research and Education Board is  
1715 established to direct the operations of the coalition. The board  
1716 shall be composed of seven members appointed by the chief  
1717 executive officer of the H. Lee Moffitt Cancer Center and  
1718 Research Institute, Inc. Board members must have experience in a  
1719 variety of scientific and medical fields, including, but not  
1720 limited to, oncology, neurology, psychology, pediatrics,  
1721 nutrition, and addiction. Members shall be appointed to 4-year  
1722 terms and may be reappointed to serve additional terms. The  
1723 chair shall be elected by the board from among its members to  
1724 serve a 2-year term. The board shall meet no less than  
1725 semiannually at the call of the chair or, in his or her absence  
1726 or incapacity, the vice chair. Four members constitute a quorum.  
1727 A majority vote of the members present is required for all  
1728 actions of the board. The board may prescribe, amend, and repeal  
1729 a charter governing the manner in which it conducts its  
1730 business. A board member shall serve without compensation but is  
1731 entitled to be reimbursed for travel expenses by the coalition  
1732 or the organization he or she represents in accordance with s.  
1733 112.061.

1734        (c) The coalition shall be administered by a coalition  
1735 director, who shall be appointed by and serve at the pleasure of  
1736 the board. The coalition director shall, subject to the approval  
1737 of the board:

1738        1. Propose a budget for the coalition.

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1739 2. Foster the collaboration of scientists, researchers,  
1740 and other appropriate personnel in accordance with the  
1741 coalition's charter.

1742 3. Identify and prioritize the research to be conducted by  
1743 the coalition.

1744 4. Prepare the Medical Marijuana Research and Education  
1745 Plan for submission to the board.

1746 5. Apply for grants to obtain funding for research  
1747 conducted by the coalition.

1748 6. Perform other duties as determined by the board.

1749 (d) The board shall advise the Board of Governors, the  
1750 State Surgeon General, the Governor, and the Legislature with  
1751 respect to medical marijuana research and education in this  
1752 state. The board shall explore methods of implementing and  
1753 enforcing medical marijuana laws in relation to cancer control,  
1754 research, treatment, and education.

1755 (e) The board shall annually adopt a plan for medical  
1756 marijuana research, known as the "Medical Marijuana Research and  
1757 Education Plan," which must be in accordance with state law and  
1758 coordinate with existing programs in this state. The plan must  
1759 include recommendations for the coordination and integration of  
1760 medical, pharmacological, nursing, paramedical, community, and  
1761 other resources connected with the treatment of debilitating  
1762 medical conditions; research related to the treatment of such  
1763 medical conditions; and education.

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1764 (f) By February 15 of each year, the board shall issue a  
1765 report to the Governor, the President of the Senate, and the  
1766 Speaker of the House of Representatives on research projects,  
1767 community outreach initiatives, and future plans for the  
1768 coalition.

1769 (g) Beginning January 15, 2018, and quarterly thereafter,  
1770 the Department of Health shall submit to the board a data set  
1771 that includes, for each patient registered in the medical  
1772 marijuana use registry, the patient's qualifying medical  
1773 condition and the daily dose amount and forms of marijuana  
1774 certified for the patient.

1775 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER  
1776 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center  
1777 and Research Institute, Inc., shall allocate staff and provide  
1778 information and assistance, as the coalition's budget permits,  
1779 to assist the board in fulfilling its responsibilities.

1780 Section 12. Subsection (1) of section 1004.441, Florida  
1781 Statutes, is amended to read:

1782 1004.441 Refractory and intractable epilepsy treatment and  
1783 research.—

1784 (1) As used in this section, the term "low-THC cannabis"  
1785 means "low-THC cannabis" as defined in s. 381.986 that is  
1786 dispensed only from a dispensing organization as defined in  
1787 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1788 treatment center as defined in s. 381.986.

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1789 Section 13. Subsection (8) is added to section 1006.062,  
1790 Florida Statutes, to read:

1791 1006.062 Administration of medication and provision of  
1792 medical services by district school board personnel.—

1793 (8) Each district school board shall adopt a policy and a  
1794 procedure for allowing a student who is a qualified patient, as  
1795 defined in s. 381.986, to use marijuana obtained pursuant to  
1796 that section. Such policy and procedure shall ensure access by  
1797 the qualified patient; identify how the marijuana will be  
1798 received, accounted for, and stored; and establish processes to  
1799 prevent access by other students and school personnel  
1800 unnecessary to the implementation of the policy.

1801 Section 14. Department of Health; authority to adopt  
1802 rules; cause of action.—

1803 (1) EMERGENCY RULEMAKING.—

1804 (a) The Department of Health and the applicable boards  
1805 shall adopt emergency rules pursuant to s. 120.54(4), Florida  
1806 Statutes, and this section necessary to implement ss. 381.986  
1807 and 381.988, Florida Statutes. If an emergency rule adopted  
1808 under this section is held to be unconstitutional or an invalid  
1809 exercise of delegated legislative authority, and becomes void,  
1810 the department or the applicable boards may adopt an emergency  
1811 rule pursuant to this section to replace the rule that has  
1812 become void. If the emergency rule adopted to replace the void  
1813 emergency rule is also held to be unconstitutional or an invalid

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1814 exercise of delegated legislative authority and becomes void,  
1815 the department and the applicable boards must follow the  
1816 nonemergency rulemaking procedures of the Administrative  
1817 Procedures Act to replace the rule that has become void.

1818 (b) For emergency rules adopted under this section, the  
1819 department and the applicable boards need not make the findings  
1820 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
1821 adopted under this section are exempt from ss. 120.54(3)(b) and  
1822 120.541, Florida Statutes. The department and the applicable  
1823 boards shall meet the procedural requirements in s. 120.54(a),  
1824 Florida Statutes, if the department or the applicable boards  
1825 have, prior to the effective date of this act, held any public  
1826 workshops or hearings on the subject matter of the emergency  
1827 rules adopted under this subsection. Challenges to emergency  
1828 rules adopted under this subsection shall be subject to the time  
1829 schedules provided in s. 120.56(5), Florida Statutes.

1830 (c) Emergency rules adopted under this section are exempt  
1831 from s. 120.54(4)(c), Florida Statutes, and shall remain in  
1832 effect until replaced by rules adopted under the nonemergency  
1833 rulemaking procedures of the Administrative Procedures Act. By  
1834 January 1, 2018, the department and the applicable boards shall  
1835 initiate nonemergency rulemaking pursuant to the Administrative  
1836 Procedures Act to replace all emergency rules adopted under this  
1837 section by publishing a notice of rule development in the  
1838 Florida Administrative Register. Except as provided in paragraph

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1839 (a), after January 1, 2018, the department and applicable boards  
1840 may not adopt rules pursuant to the emergency rulemaking  
1841 procedures provided in this section.

1842 (2) CAUSE OF ACTION.—

1843 (a) As used in s. 29(d)(3), Art. X of the State  
1844 Constitution, the term:

1845 1. "Issue regulations" means the filing by the department  
1846 of a rule or emergency rule for adoption with the Department of  
1847 State.

1848 2. "Judicial relief" means an action for declaratory  
1849 judgment pursuant to chapter 86, Florida Statutes.

1850 (b) The venue for actions brought against the department  
1851 pursuant to s. 29(d)(3), Art. X of the State Constitution shall  
1852 be in the circuit court in and for Leon County.

1853 (c) If the department is not issuing patient and caregiver  
1854 identification cards or licensing medical marijuana treatment  
1855 centers by October 3, 2017, the following shall be a defense to  
1856 a cause of action brought under s. 29(d)(3), Art. X of the State  
1857 Constitution:

1858 1. The department is unable to issue patient and caregiver  
1859 identification cards or license medical marijuana treatment  
1860 centers due to litigation challenging a rule as an invalid  
1861 exercise of delegated legislative authority or unconstitutional.

1862 2. The department is unable to issue patient or caregiver  
1863 identification cards or license medical marijuana treatment

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1864 centers due to a rule being held as an invalid exercise of  
1865 delegated legislative authority or unconstitutional.

1866 Section 15. Department of Law Enforcement; training  
1867 related to medical use of marijuana.-The Department of Law  
1868 Enforcement shall develop a 4-hour online initial training  
1869 course, and a 2-hour online continuing education course, which  
1870 shall be made available for use by all law enforcement agencies  
1871 in this state. Such training shall cover the legal parameters of  
1872 marijuana-related activities governed by ss. 381.986 and  
1873 381.988, Florida Statutes, relating to criminal laws governing  
1874 marijuana.

1875 Section 16. Section 385.212, Florida Statutes, is amended  
1876 to read:

1877 385.212 Powers and duties of the Department of Health;  
1878 Office of Medical Marijuana ~~Compassionate~~ Use.-

1879 (1) The Department of Health shall establish an Office of  
1880 Medical Marijuana ~~Compassionate~~ Use under the direction of the  
1881 Deputy State Health Officer.

1882 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may  
1883 enhance access to investigational new drugs for Florida patients  
1884 through approved clinical treatment plans or studies. The Office  
1885 of Medical Marijuana ~~Compassionate~~ Use may:

1886 (a) Create a network of state universities and medical  
1887 centers recognized pursuant to s. 381.925.

1888 (b) Make any necessary application to the United States

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1889 Food and Drug Administration or a pharmaceutical manufacturer to  
1890 facilitate enhanced access to medical ~~compassionate~~ use of  
1891 marijuana for Florida patients.

1892 (c) Enter into any agreements necessary to facilitate  
1893 enhanced access to medical ~~compassionate~~ use of marijuana for  
1894 Florida patients.

1895 (3) The department may adopt rules necessary to implement  
1896 this section.

1897 (4) The Office of Medical Marijuana Use shall administer  
1898 and enforce the provisions of s. 381.986.

1899 Section 17. If any provision of this act or its  
1900 application to any person or circumstance is held invalid, the  
1901 invalidity does not affect other provisions or applications of  
1902 this act which can be given effect without the invalid provision  
1903 or application, and to this end the provisions of this act are  
1904 severable.

1905 Section 18. (1) For the 2017-2018 fiscal year, 55 full-  
1906 time equivalent positions, with associated salary rate of  
1907 2,198,860, are authorized and the sums of \$3.5 million in  
1908 nonrecurring funds from the General Revenue Fund and \$4,055,292  
1909 in recurring funds and \$1,238,148 in nonrecurring funds from the  
1910 Grants and Donations Trust Fund are appropriated to the  
1911 Department of Health for the purpose of implementing the  
1912 requirements of this act. Of the funds appropriated, \$3,158,572  
1913 in recurring funds and \$1,238,148 in nonrecurring funds from the

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1914 Grants and Donations Trust Fund and 27 full-time equivalent  
1915 positions shall be placed in reserve. The Department of Health  
1916 is authorized to submit budget amendments requesting the release  
1917 of funds being held in reserve pursuant to chapter 216, Florida  
1918 Statutes contingent upon need and demonstration of fee  
1919 collections to support the budget authority.

1920 (2) For the 2017-2018 fiscal year, the sum of \$500,000 in  
1921 nonrecurring funds from the General Revenue Fund is appropriated  
1922 to the Department of Health to implement the statewide cannabis  
1923 and marijuana education and illicit use prevention campaign  
1924 established under s. 381.989, Florida Statutes.

1925 (3) For the 2017-2018 fiscal year, the sum of \$5 million  
1926 in nonrecurring funds from the Highway Safety Operating Trust  
1927 Fund are appropriated to the Department of Highway Safety and  
1928 Motor Vehicles to implement the statewide impaired driving  
1929 education campaign established under s. 381.989, Florida  
1930 Statutes.

1931 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in  
1932 recurring funds from the Highway Safety Operating Trust Fund is  
1933 appropriated to the Department of Highway Safety and Motor  
1934 Vehicles for the purpose of training additional law enforcement  
1935 officers as drug recognition experts.

1936 Section 19. This act shall take effect upon becoming a  
1937 law.

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**T I T L E   A M E N D M E N T**

Remove lines 1888-2014 of the amendment and insert:  
An act relating to medical use of marijuana; providing legislative intent; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; providing for expiration of the exemption; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and

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1964 the boards; requiring the department to establish a  
1965 medical marijuana use registry; specifying entities  
1966 and persons who have access to the registry; providing  
1967 requirements for registration of, and maintenance of  
1968 registered status by, qualified patients and  
1969 caregivers; providing criteria for nonresidents to  
1970 prove residency for registration as a qualified  
1971 patient; defining the term "seasonal resident";  
1972 authorizing the department to suspend or revoke the  
1973 registration of a patient or caregiver under certain  
1974 circumstances; providing requirements for the issuance  
1975 of medical marijuana use registry identification  
1976 cards; requiring the department to issue licenses to a  
1977 certain number of medical marijuana treatment centers;  
1978 providing for license renewal and revocation;  
1979 providing conditions for change of ownership;  
1980 providing for continuance of certain entities  
1981 authorized to dispense low-THC cannabis, medical  
1982 cannabis, and cannabis delivery devices; requiring a  
1983 medical marijuana treatment center to comply with  
1984 certain standards in the production and distribution  
1985 of edibles; requiring the department to establish,  
1986 maintain, and control a computer seed-to-sale  
1987 marijuana tracking system; requiring background  
1988 screening of owners, officers, board members, and

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1989 managers of medical marijuana treatment centers;  
1990 requiring the department to establish protocols and  
1991 procedures for operation, conduct periodic  
1992 inspections, and restrict location of medical  
1993 marijuana treatment centers; providing a limit on  
1994 county and municipal permit fees; authorizing counties  
1995 and municipalities to determine the location of  
1996 medical marijuana treatment centers by ordinance under  
1997 certain conditions; providing penalties; authorizing  
1998 the department to impose sanctions on persons or  
1999 entities engaging in unlicensed activities; providing  
2000 that a person is not exempt from prosecution for  
2001 certain offenses and is not relieved from certain  
2002 requirements of law under certain circumstances;  
2003 providing for certain school personnel to possess  
2004 marijuana pursuant to certain established policies and  
2005 procedures; providing that certain research  
2006 institutions may possess, test, transport, and dispose  
2007 of marijuana subject to certain conditions; providing  
2008 applicability with respect to employer-instituted  
2009 drug-free workplace programs; amending ss. 458.331 and  
2010 459.015, F.S.; providing additional acts by a  
2011 physician or an osteopathic physician which constitute  
2012 grounds for denial of a license or disciplinary action  
2013 to which penalties apply; creating s. 381.988, F.S.;

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2014 providing for the establishment of medical marijuana  
2015 testing laboratories; requiring the Department of  
2016 Health, in collaboration with the Department of  
2017 Agriculture and Consumer Services and the Department  
2018 of Environmental Protection, to develop certification  
2019 standards and rules; providing limitations on the  
2020 acquisition and distribution of marijuana by a testing  
2021 laboratory; providing an exception for transfer of  
2022 marijuana under certain conditions; requiring a  
2023 testing laboratory to use a department-selected  
2024 computer tracking system; providing grounds for  
2025 disciplinary and administrative action; authorizing  
2026 the department to refuse to issue or renew, or suspend  
2027 or revoke, a testing laboratory license; creating s.  
2028 381.989, F.S.; defining terms; directing the  
2029 department and the Department of Highway Safety and  
2030 Motor Vehicles to institute public education campaigns  
2031 relating to cannabis and marijuana and impaired  
2032 driving; requiring evaluations of public education  
2033 campaigns; authorizing the department and the  
2034 Department of Highway Safety and Motor Vehicles to  
2035 contract with vendors to implement and evaluate the  
2036 campaigns; amending ss. 385.211, 499.0295, and 893.02,  
2037 F.S.; conforming provisions to changes made by the  
2038 act; creating s. 1004.4351, F.S.; providing a short

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2039 title; providing legislative findings; defining terms;  
2040 establishing the Coalition for Medical Marijuana  
2041 Research and Education within the H. Lee Moffitt  
2042 Cancer Center and Research Institute, Inc.; providing  
2043 a purpose for the coalition; establishing the Medical  
2044 Marijuana Research and Education Board to direct the  
2045 operations of the coalition; providing for the  
2046 appointment of board members; providing for terms of  
2047 office, reimbursement for certain expenses, and  
2048 meetings of the board; authorizing the board to  
2049 appoint a coalition director; prescribing the duties  
2050 of the coalition director; requiring the board to  
2051 advise specified entities and officials regarding  
2052 medical marijuana research and education in this  
2053 state; requiring the board to annually adopt a Medical  
2054 Marijuana Research and Education Plan; providing  
2055 requirements for the plan; requiring the board to  
2056 issue an annual report to the Governor and the  
2057 Legislature by a specified date; requiring the  
2058 Department of Health to submit reports to the board  
2059 containing specified data; specifying responsibilities  
2060 of the H. Lee Moffitt Cancer Center and Research  
2061 Institute, Inc.; amending s. 1004.441, F.S.; revising  
2062 a definition; amending s. 1006.062, F.S.; requiring  
2063 district school boards to adopt policies and

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2064 | procedures for access to medical marijuana by  
2065 | qualified patients who are students; providing  
2066 | emergency rulemaking authority; providing for venue  
2067 | for a cause of action against the department;  
2068 | providing for defense against certain causes of  
2069 | action; directing the Department of Law Enforcement to  
2070 | develop training for law enforcement officers and  
2071 | agencies; amending s. 385.212, F.S.; renaming the  
2072 | department's Office of Compassionate Use; providing  
2073 | severability; providing appropriations; providing an  
2074 | effective date.

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