

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Rodrigues offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Paragraph (1) of subsection (2) of section
7 212.08, Florida Statutes, is redesignated as paragraph (m), and
8 a new paragraph (1) is added to that subsection, to read:

9 212.08 Sales, rental, use, consumption, distribution, and
10 storage tax; specified exemptions.—The sale at retail, the
11 rental, the use, the consumption, the distribution, and the
12 storage to be used or consumed in this state of the following
13 are hereby specifically exempt from the tax imposed by this

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14 chapter.

15 (2) EXEMPTIONS; MEDICAL.—

16 (1) Marijuana and marijuana delivery devices, as defined
17 in s. 381.986, are exempt from the taxes imposed under this
18 chapter.

19 Section 2. Section 381.986, Florida Statutes, is amended
20 to read:

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

23 381.986 Medical use of marijuana.—

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

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

29 (b) "Chronic nonmalignant pain" means pain that is caused
30 by a debilitating medical condition or that originates from a
31 debilitating medical condition and persists beyond the usual
32 course of that debilitating medical condition.

33 (c) "Close relative" means a spouse, parent, sibling,
34 grandparent, child, or grandchild, whether related by whole or
35 half blood, by marriage, or by adoption.

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

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

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

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

59 (h) "Marijuana testing laboratory" means a facility that
60 collects and analyzes marijuana samples from a medical marijuana
61 treatment center and has been certified by the department
62 pursuant to s. 381.988.

63 (i) "Medical director" means a person who holds an active,

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64 unrestricted license as an allopathic physician under chapter
65 458 or osteopathic physician under chapter 459 and is in
66 compliance with the requirements of paragraph (3)(c).

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

70 1. Possession, use, or administration of marijuana that
71 was not purchased or acquired from a medical marijuana treatment
72 center.

73 2. Possession, use, or administration of marijuana in a
74 form for smoking, in the form of commercially produced food
75 items other than edibles, or of marijuana seeds or flower,
76 except for flower in a sealed receptacle for vaping.

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

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

83 5. Use or administration of marijuana in the following
84 locations:

85 a. On any form of public transportation.

86 b. In any public place.

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

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89 d. In a state correctional institution, as defined in s.
90 944.02, or a correctional institution, as defined in s. 944.241.

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

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

95 (k) "Physician certification" means a qualified
96 physician's authorization for a qualified patient to receive
97 marijuana and a marijuana delivery device from a medical
98 marijuana treatment center.

99 (l) "Qualified patient" means a resident of this state who
100 has been added to the medical marijuana use registry by a
101 qualified physician to receive marijuana or a marijuana delivery
102 device for a medical use and who has a qualified patient
103 identification card.

104 (m) "Qualified physician" means a person who holds an
105 active, unrestricted license as an allopathic physician under
106 chapter 458 or as an osteopathic physician under chapter 459 and
107 is in compliance with the physician education requirements of
108 subsection (3).

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

111 (o) "Terminal condition" means a progressive disease or
112 medical or surgical condition that causes significant functional
113 impairment, is not considered by a treating physician to be

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114 reversible without the administration of life-sustaining
115 procedures, and will result in death within 1 year after
116 diagnosis if the condition runs its normal course.

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

120 (a) Cancer.

121 (b) Epilepsy.

122 (c) Glaucoma.

123 (d) Positive status for human immunodeficiency virus.

124 (e) Acquired immune deficiency syndrome.

125 (f) Post-traumatic stress disorder.

126 (g) Amyotrophic lateral sclerosis.

127 (h) Crohn's disease.

128 (i) Parkinson's disease.

129 (j) Multiple sclerosis.

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

132 (l) A terminal condition diagnosed by a physician other
133 than the qualified physician issuing the physician
134 certification.

135 (m) Chronic nonmalignant pain.

136 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

137 (a) To be approved as a qualified physician, as defined in
138 paragraph (1)(m), a physician must successfully complete a 2-

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139 hour course and subsequent examination offered by the Florida
140 Medical Association or the Florida Osteopathic Medical
141 Association which encompass the requirements of this section and
142 any rules adopted hereunder. The course and examination shall be
143 administered at least annually and may be offered in a distance
144 learning format, including an electronic, online format that is
145 available upon request. The price of the course may not exceed
146 \$100. A physician who has met the physician education
147 requirements of former s. 381.986(4), Florida Statutes 2016,
148 before the effective date of this section, shall be deemed to be
149 in compliance with this paragraph from the effective date of
150 this act until 90 days after the course and examination required
151 by this paragraph become available.

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

155 (c) A medical director as defined in paragraph (1)(i) must
156 successfully complete a 2-hour course and subsequent examination
157 offered by the Florida Medical Association or the Florida
158 Osteopathic Medical Association which encompass the requirements
159 of this section and any rules adopted hereunder. The course and
160 examination shall be administered at least annually and may be
161 offered in a distance learning format, including an electronic,
162 online format that is available upon request. The price of the
163 course may not exceed \$100.

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164 (4) PHYSICIAN CERTIFICATION.—

165 (a) A qualified physician may issue a physician
166 certification only if the qualified physician:

167 1. Conducted a physical examination while physically
168 present in the same room as the patient and a full assessment of
169 the medical history of the patient.

170 2. Diagnosed the patient with at least one qualifying
171 medical condition, and, if the diagnosis is pursuant to
172 paragraph (2) (k), submits to the applicable board:

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

176 b. Documentation that establishes the efficacy of
177 marijuana as treatment for the condition.

178 c. Documentation supporting the qualified physician's
179 opinion that medical use of marijuana would likely outweigh the
180 potential health risks for the patient.

181 d. Any other documentation requested by the board.

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

188 4. Determined that the patient is not pregnant and

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189 documented such determination in the patient's medical record. A
190 physician may not issue a physician certification to a patient
191 who is pregnant.

192 5. Reviewed the patient's controlled drug prescription
193 history in the prescription drug monitoring program database
194 established pursuant to s. 893.055.

195 6. Reviewed the medical marijuana use registry and
196 confirmed that the patient does not have an active physician
197 certification from another qualified physician.

198 7. Registers as the issuer of the physician certification
199 for the named qualified patient on the medical marijuana use
200 registry in an electronic manner determined by the department,
201 and:

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

208 b. Updates the registry within 7 days after any change is
209 made to the original physician certification to reflect such
210 change.

211 c. Deactivates the registration of the qualified patient
212 and the patient's caregiver when the physician no longer
213 recommends the medical use of marijuana for the patient.

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214 8. Maintains an individualized patient treatment plan that
215 includes the qualified patient's qualifying condition and the
216 dose, route of administration, planned duration, treatment
217 objectives, plan for assessing and monitoring the qualified
218 patient's risk of aberrant drug-related behavior, and plan for
219 monitoring the qualified patient's symptoms and other indicators
220 of tolerance or reaction to the marijuana.

221 9. Submits the patient treatment plan quarterly to the
222 Coalition for Medical Marijuana Research and Education
223 established pursuant to s. 1004.4351Submits the patient
224 treatment plan quarterly to the Coalition for Medical Marijuana
225 Research and Education established pursuant to s. 1004.4351 for
226 research on the safety and efficacy of marijuana.

227 10. Obtains the voluntary and informed written consent of
228 the patient for medical use of marijuana each time the qualified
229 physician issues a physician certification for the patient,
230 which shall be maintained in the patient's medical record. The
231 patient, or the patient's parent or legal guardian if the
232 patient is a minor, must sign the informed consent acknowledging
233 that the qualified physician has sufficiently explained its
234 content. The qualified physician must use a standardized
235 informed consent form adopted in rule by the Board of Medicine
236 and the Board of Osteopathic Medicine, which must include, at a
237 minimum, information related to:

238 a. The Federal Government's classification of marijuana as

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- 239 a Schedule I controlled substance.
- 240 b. The approval and oversight status of marijuana by the
241 Food and Drug Administration.
- 242 c. The current state of research on the efficacy of
243 marijuana to treat the qualifying conditions set forth in this
244 section.
- 245 d. The potential for addiction.
- 246 e. The potential effect that marijuana may have on a
247 patient's coordination, motor skills, and cognition, including a
248 warning against operating heavy machinery, operating a motor
249 vehicle, or engaging in activities that require a person to be
250 alert or respond quickly.
- 251 f. The potential side effects of marijuana use.
- 252 g. The risks, benefits, and drug interactions of
253 marijuana.
- 254 h. That the patient's de-identified health information
255 contained in the physician certification, treatment plan, and
256 medical marijuana use registry may be used for research
257 purposes.
- 258 (b) 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 (c) A qualified physician must evaluate an existing

284 patient at least once every 30 weeks to determine if the patient

285 still meets the requirements of paragraph (a).

286 (d) An active order for low-THC cannabis or medical

287 cannabis issued pursuant to former s. 381.986, Florida Statutes

288 2016, and registered with the compassionate use registry before

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289 the effective date of this section, is deemed a physician
290 certification, and all patients possessing such orders are
291 deemed qualified patients until the department begins issuing
292 medical marijuana use registry identification cards.

293 (e) The department shall monitor physician registration in
294 the medical marijuana use registry and the issuance of physician
295 certifications for practices that could facilitate unlawful
296 diversion or misuse of marijuana or a marijuana delivery device
297 and shall take disciplinary action as appropriate.

298 (f) The Board of Medicine and the Board of Osteopathic
299 Medicine shall jointly create a physician certification pattern
300 review panel that shall review all physician certifications
301 submitted to the medical marijuana use registry. The panel shall
302 track and report the number of physician certifications and the
303 qualifying medical conditions, dosage, supply amount, and form
304 of marijuana certified. The panel shall report the data both by
305 individual qualified physician and in the aggregate, by county,
306 and statewide. The physician certification pattern review panel
307 shall, beginning January 1, 2018, submit an annual report of its
308 findings and recommendations to the Governor, the President of
309 the Senate, and the Speaker of the House of Representatives.

310 (g) The department, the Board of Medicine, and the Board
311 of Osteopathic Medicine may adopt rules pursuant to ss.
312 120.536(1) and 120.54 to implement this subsection.

313 (5) MEDICAL MARIJUANA USE REGISTRY.—

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314 (a) The department shall create and maintain a secure,
315 electronic, and online medical marijuana use registry for
316 physicians, patients, and caregivers as provided under this
317 section. The medical marijuana use registry must be accessible
318 to law enforcement agencies, qualified physicians, and medical
319 marijuana treatment centers to verify the authorization of a
320 qualified patient or a caregiver to possess marijuana or a
321 marijuana delivery device and record the marijuana or marijuana
322 delivery device dispensed. The medical marijuana use registry
323 must also be accessible to practitioners licensed to prescribe
324 prescription drugs to ensure proper care for patients before
325 medications that may interact with the medical use of marijuana
326 are prescribed. The medical marijuana use registry must prevent
327 an active registration of a qualified patient by multiple
328 physicians.

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

333 1. An adult resident must provide the department with a
334 copy of his or her valid Florida driver license issued under s.
335 322.18 or a copy of a valid Florida identification card issued
336 under s. 322.051.

337 2. An adult seasonal resident who cannot meet the
338 requirements of subparagraph 1. may provide the department with

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339 a copy of two of the following that show proof of residential
340 address:

341 a. A deed, mortgage, monthly mortgage statement, mortgage
342 payment booklet or residential rental or lease agreement.

343 b. One proof of residential address from the seasonal
344 resident's parent, step-parent, legal guardian or other person
345 with whom the seasonal resident resides and a statement from the
346 person with whom the seasonal resident resides stating that the
347 seasonal resident does reside with him or her.

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

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

351 e. Mail from a financial institution, including checking,
352 savings, or investment account statements, not more than 2
353 months old.

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

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

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

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

361 b. Maintains a temporary residence in this state;

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

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364 d. Is registered to vote or pays income tax in another
365 state or jurisdiction.

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

370 3. A minor must provide the department with a certified
371 copy of a birth certificate or a current record of registration
372 from a Florida K-12 school and must have a parent or legal
373 guardian who meets the requirements of subparagraph (6) (b)1.

374 (c) The department may suspend or revoke the registration
375 of a qualified patient or caregiver if the qualified patient or
376 caregiver:

377 1. Provides misleading, incorrect, false, or fraudulent
378 information to the department;

379 2. Obtains a supply of marijuana in an amount greater than
380 the amount authorized by the physician certification;

381 3. Falsifies, alters, or otherwise modifies an
382 identification card;

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

385 5. Violates the requirements of this section or any rule
386 adopted under this section.

387 (d) The department shall immediately suspend the
388 registration of a qualified patient charged with a violation of

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389 chapter 893 until final disposition of any alleged offense.
390 Thereafter, the department may extend the suspension, revoke the
391 registration, or reinstate the registration.

392 (e) The department shall immediately suspend the
393 registration of any caregiver charged with a violation of
394 chapter 893 until final disposition of any alleged offense. The
395 department shall revoke a caregiver registration if the
396 caregiver does not meet the requirements of subparagraph
397 (6) (b) 6.

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

402 (g) The department shall revoke the registration of a
403 qualified patient, and the patient's associated caregiver, upon
404 notification that the patient no longer meets the criteria of a
405 qualified patient.

406 (h) The department may adopt rules pursuant to ss.
407 120.536(1) and 120.54 to implement this subsection.

408 (6) CAREGIVERS.—

409 (a) The department must register an individual as a
410 caregiver on the medical marijuana use registry and issue a
411 caregiver identification card if an individual designated by a
412 qualified patient meets all of the requirements of this
413 subsection and department rule.

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414 (b) A caregiver must:

415 1. Not be a qualified physician and not be employed by or
416 have an economic interest in a medical marijuana treatment
417 center or a marijuana testing laboratory.

418 2. Be 21 years of age or older and a resident of this
419 state.

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

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

425 5. Successfully complete a caregiver certification course
426 and subsequent examination developed and administered by the
427 department or its designee, which must be renewed biennially.

428 6. Pass a background screening pursuant to subsection (9),
429 unless the patient is a close relative of the caregiver.

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

433 1. The qualified patient is a minor and the designated
434 caregivers are parents or legal guardians of the qualified
435 patient;

436 2. The qualified patient is an adult who has an
437 intellectual or developmental disability that prevents the
438 patient from being able to protect or care for himself or

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439 herself without assistance or supervision and the designated
440 caregivers are the parents or legal guardians of the qualified
441 patient; or

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

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

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

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

453 3. All qualified patients the caregiver has agreed to
454 assist are admitted to a hospice program and have requested the
455 assistance of that caregiver with the medical use of marijuana;
456 the caregiver is an employee of the hospice; and the caregiver
457 provides personal care or other services directly to clients of
458 the hospice in the scope of that employment.

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

462 (f) If a qualified patient is younger than 18 years of
463 age, only a caregiver may purchase or administer marijuana for

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464 medical use by the qualified patient. The qualified patient may
465 not purchase marijuana.

466 (g) A caregiver must be in immediate possession of his or
467 her medical marijuana use registry identification card at all
468 times when in possession of marijuana or a marijuana delivery
469 device and must present his or her medical marijuana use
470 registry identification card upon the request of a law
471 enforcement officer.

472 (h) The department may adopt rules pursuant to ss.
473 120.536(1) and 120.54 to implement this subsection.

474 (7) IDENTIFICATION CARDS.-

475 (a) The department shall issue medical marijuana use
476 registry identification cards for qualified patients and
477 caregivers who are residents of this state, which must be
478 renewed annually. The identification cards must be resistant to
479 counterfeiting and tampering and must include, at a minimum, the
480 following:

481 1. The name, address, and date of birth of the qualified
482 patient or caregiver.

483 2. A full-face, passport-type, color photograph of the
484 qualified patient or caregiver taken within the 90 days
485 immediately preceding registration.

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

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

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489 5. For a caregiver, the name and unique numeric identifier
490 of the caregiver and the qualified patient or patients that the
491 caregiver is assisting.

492 6. The expiration date of the identification card.

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

496 (c) The department shall, by July 3, 2017, adopt rules
497 pursuant to ss. 120.536(1) and 120.54 establishing procedures
498 for the issuance, renewal, suspension, replacement, surrender,
499 and revocation of medical marijuana use registry identification
500 cards and shall begin issuing qualified patient identification
501 cards by October 3, 2017.

502 (d) Applications for identification cards must be
503 submitted on a form prescribed by the department. The department
504 may charge a reasonable fee associated with the issuance,
505 replacement, and renewal of identification cards. The department
506 may contract with a third-party vendor to issue identification
507 cards. The vendor selected by the department must have
508 experience performing similar functions for other state
509 agencies.

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

513 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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514 (a) The department shall license medical marijuana
515 treatment centers to ensure reasonable statewide accessibility
516 and availability as necessary for qualified patients registered
517 in the medical marijuana use registry and who are issued a
518 physician certification under this section.

519 1. The department shall license as a medical marijuana
520 treatment center any entity that holds an active, unrestricted
521 license to cultivate, process, transport, and dispense low-THC
522 cannabis, medical cannabis, and cannabis delivery devices, under
523 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
524 and which meets the requirements of this section. In addition to
525 the authority granted under this section, these entities are
526 authorized to dispense low-THC cannabis, medical cannabis, and
527 cannabis delivery devices ordered pursuant to former s. 381.986,
528 Florida Statutes 2016, which were entered into the compassionate
529 use registry before July 1, 2017. The department may grant
530 variances from the representations made in such an entity's
531 original application for approval under former s. 381.986,
532 Florida Statutes 2014, pursuant to paragraph (e).

533 2. The department shall also license as a medical
534 marijuana treatment center one applicant that is a recognized
535 class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C.
536 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C.
537 2011); is a member of the Black Farmers and Agriculturalists
538 Association-Florida Chapter; and meets the requirements of this

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539 section.

540 3. The department shall also license as a medical
541 marijuana treatment center any applicant that was denied a
542 dispensing organization license by the department under former
543 s. 381.986, Florida Statutes 2014, if the applicant is awarded a
544 license pursuant to an administrative or legal challenge filed
545 prior to January 1, 2017, and meets the requirements of this
546 section.

547 4. Upon the registration of 150,000 active qualified
548 patients in the medical marijuana use registry, the department
549 shall also license as a medical marijuana treatment center one
550 applicant per region which was a dispensing organization
551 applicant under former s. 381.986, Florida Statutes 2014; was
552 the next-highest scoring applicant after the applicant or
553 applicants that were awarded a license for that region; was not
554 a litigant in an administrative or legal challenge on or after
555 January 1, 2017; is not licensed in another region; and meets
556 the requirements of this section.

557 4. Upon the registration of 150,000 active qualified
558 patients in the medical marijuana use registry, the department
559 shall also license as a medical marijuana treatment center one
560 applicant that is a recognized class member of Pigford v.
561 Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers
562 Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the
563 Black Farmers and Agriculturalists Association; and meets the

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564 requirements of this section.

565 5. Upon the registration of 200,000 active qualified
566 patients in the medical marijuana use registry, the department
567 shall license five additional medical marijuana treatment
568 centers that meet the requirements of this section. Thereafter,
569 the department shall license three medical marijuana treatment
570 centers upon the registration of each additional 100,000 active
571 qualified patients in the medical marijuana use registry who
572 meet the requirements of this section.

573 (b) An applicant for licensure as a medical marijuana
574 treatment center shall apply to the department on a form
575 prescribed by the department and adopted in rule. The department
576 shall adopt rules pursuant to ss. 120.536(1) and 120.54
577 establishing a procedure for the issuance and biennial renewal
578 of licenses, including initial application and biennial renewal
579 fees sufficient to cover the costs of administering this
580 licensure program. The department shall issue a license to an
581 applicant if the applicant meets the requirements of this
582 section and pays the initial application fee. The department
583 shall renew the licensure of a medical marijuana treatment
584 center biennially if the licensee meets the requirements of this
585 section and pays the biennial renewal fee. An individual may not
586 be an applicant, owner, officer, board member, or manager on
587 more than one application for licensure as a medical marijuana
588 treatment center. An individual or entity may not be awarded

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589 more than one license as a medical marijuana treatment center.

590 An applicant for licensure as a medical marijuana treatment

591 center must demonstrate:

592 1. The technical and technological ability to cultivate
593 and produce marijuana, including, but not limited to, low-THC
594 cannabis.

595 2. Possession of a valid certificate of registration
596 issued by the Department of Agriculture and Consumer Services
597 pursuant to s. 581.131 which is issued for the cultivation of
598 more than 400,000 plants; operation by a nurseryman as defined
599 in s. 581.011; operation as a registered nursery in this state
600 for at least 5 continuous years; or operation as a commercial
601 citrus grove as defined by the Department of Agriculture and
602 Consumer Services and possession of a valid certificate of
603 registration issued by the Department of Agriculture and
604 Consumer Services pursuant to s. 581.131.

605 3. The ability to secure the premises, resources, and
606 personnel necessary to operate as a medical marijuana treatment
607 center.

608 4. The ability to maintain accountability of all raw
609 materials, finished products, and any byproducts to prevent
610 diversion or unlawful access to or possession of these
611 substances.

612 5. An infrastructure reasonably located to dispense
613 marijuana to registered qualified patients statewide or

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614 regionally as determined by the department.

615 6. The financial ability to maintain operations for the
616 duration of the 2-year approval cycle, including the provision
617 of certified financial statements to the department. Upon
618 approval, the applicant must post a \$5 million performance bond.
619 However, a medical marijuana treatment center serving at least
620 1,000 qualified patients is only required to maintain a \$2
621 million performance bond.

622 7. That all owners, officers, board members, and managers
623 have passed a background screening pursuant to subsection (9).

624 8. The employment of a medical director to supervise the
625 activities of the medical marijuana treatment center.

626 (c) A medical marijuana treatment center may not make a
627 wholesale purchase of marijuana from, or a distribution of
628 marijuana to, another medical marijuana treatment center, unless
629 the medical marijuana treatment center seeking to make a
630 wholesale purchase of marijuana submits proof of harvest failure
631 to the department.

632 (d) The department shall establish, maintain, and control
633 a computer software tracking system that traces marijuana from
634 seed to sale and allows real-time, 24-hour access by the
635 department to data from all medical marijuana treatment centers
636 and marijuana testing laboratories. The tracking system must
637 allow for integration of other seed-to-sale systems and, at a
638 minimum, include notification of when marijuana seeds are

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639 planted, when marijuana plants are harvested and destroyed, and
640 when marijuana is transported, sold, stolen, diverted, or lost.
641 Each medical marijuana treatment center shall use the seed-to-
642 sale tracking system established by the department or integrate
643 its own seed-to-sale tracking system with the seed-to-sale
644 tracking system established by the department. Each medical
645 marijuana treatment center may use its own seed-to-sale system
646 until the department establishes a seed-to-sale tracking system.
647 The department may contract with a vendor to establish the seed-
648 to-sale tracking system. The vendor selected by the department
649 may not have a contractual relationship with the department to
650 perform any services pursuant to this section other than the
651 seed-to-sale tracking system. The vendor may not have a direct
652 or indirect financial interest in a medical marijuana treatment
653 center or a marijuana testing laboratory.

654 (e) A licensed medical marijuana treatment center shall
655 cultivate, process, transport, and dispense marijuana for
656 medical use. A licensed medical marijuana treatment center must,
657 at all times, maintain compliance with the criteria demonstrated
658 and representations made in the initial application and the
659 criteria established in this subsection. Upon request, the
660 department may grant a medical marijuana treatment center a
661 variance from the representations made in the initial
662 application. Consideration of such a request shall be based upon
663 the individual facts and circumstances surrounding the request.

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664 A variance may not be granted unless the requesting medical
665 marijuana treatment center can demonstrate to the department
666 that it has a proposed alternative to the specific
667 representation made in its application which fulfills the same
668 or a similar purpose as the specific representation in a way
669 that the department can reasonably determine will not be a lower
670 standard than the specific representation in the application. A
671 variance may not be granted from the requirements in
672 subparagraph 1. and subparagraph (b)1.

673 1. A medical marijuana treatment center, and any
674 individual or entity who directly or indirectly owns, controls,
675 or holds with power to vote 25 percent or more of the voting
676 shares of a medical marijuana treatment center, may not acquire
677 direct or indirect ownership or control of any voting shares or
678 other form of ownership of any other medical marijuana treatment
679 center.

680 2. All employees of a medical marijuana treatment center
681 must be 21 years of age or older and have passed a background
682 screening pursuant to subsection (9).

683 3. Each medical marijuana treatment center must adopt and
684 enforce policies and procedures to ensure employees and
685 volunteers receive training on the legal requirements to
686 dispense marijuana to qualified patients.

687 4. When growing marijuana, a medical marijuana treatment
688 center:

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689 a. May use pesticides determined by the department, after
690 consultation with the Department of Agriculture and Consumer
691 Services, to be safely applied to plants intended for human
692 consumption, but may not use pesticides designated as
693 restricted-use pesticides pursuant to s. 487.042.

694 b. Must grow marijuana within an enclosed structure and in
695 a room separate from any other plant.

696 c. Must inspect seeds and growing plants for plant pests
697 that endanger or threaten the horticultural and agricultural
698 interests of the state in accordance with chapter 581 and any
699 rules adopted thereunder.

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

703 5. Each medical marijuana treatment center must produce
704 and make available for purchase at least one low-THC cannabis
705 product.

706 6. A medical marijuana treatment center that produces
707 edibles must hold a permit to operate as a food establishment
708 pursuant to chapter 500, the Florida Food Safety Act, and must
709 comply with all the requirements for food establishments
710 pursuant to chapter 500 and any rules adopted thereunder.

711 Edibles may not contain more than 200 milligrams of
712 tetrahydrocannabinol and a single serving portion of an edible
713 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

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714 may have a potency variance of no greater than 15 percent.
715 Edibles may not be attractive to children; be manufactured in
716 the shape of humans, cartoons, or animals; be manufactured in a
717 form that bears any reasonable resemblance to products available
718 for consumption as commercially available candy; or contain any
719 color additives. To discourage consumption of edible products by
720 children, the department shall determine by rule any shapes,
721 forms, and ingredients allowed and prohibited for edibles. To
722 discourage consumption of edibles by children, the department
723 shall determine by rule any shapes, forms, and ingredients
724 allowed and prohibited for edibles. Medical marijuana treatment
725 centers may not begin processing or dispensing edibles until
726 after the effective date of the rule. The department shall also
727 adopt sanitation rules providing the standards and requirements
728 for the storage, display, or dispensing of edibles.

729 7. When processing marijuana, a medical marijuana
730 treatment center must:

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

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

735 c. Test the processed marijuana using a medical marijuana
736 testing laboratory before it is dispensed. Results must be
737 verified and signed by two medical marijuana treatment center
738 employees. Before dispensing, the medical marijuana treatment

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739 center must determine that the test results indicate that low-
740 THC cannabis meets the definition of low-THC cannabis, the
741 concentration of tetrahydrocannabinol meets the potency
742 requirements of this section, the labeling of the concentration
743 of tetrahydrocannabinol and cannabidiol is accurate, and all
744 marijuana is safe for human consumption and free from
745 contaminants that are unsafe for human consumption. The
746 Department of Health shall determine by rule which contaminants
747 must be tested for and the maximum levels of each contaminant
748 which are safe for human consumption. The Department of
749 Agriculture and Consumer Services shall assist the department in
750 developing the testing requirements for contaminants that are
751 unsafe for human consumption in edibles. The department shall
752 also determine by rule the procedures for the treatment of
753 marijuana that fails to meet the testing requirements of this
754 section, s. 381.988, or department rule. The department may
755 select a random sample from edibles available for purchase in a
756 dispensing facility that shall be tested by the department to
757 determine that the edible meets the potency requirements of this
758 section, is safe for human consumption, and the labeling of the
759 tetrahydrocannabinol and cannabidiol concentration is accurate.
760 A medical marijuana treatment center may not require payment
761 from the department for the sample. A medical marijuana
762 treatment center must recall edibles, including all edibles made
763 from the same batch of marijuana, which fail to meet the potency

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764 requirements of this section, which are unsafe for human
765 consumption, or for which the labeling of the
766 tetrahydrocannabinol and cannabidiol concentration is
767 inaccurate.all marijuana is safe for human consumption and free
768 from contaminants that are unsafe for human consumption. The
769 Department of Health shall determine by rule which contaminants
770 must be tested for and the maximum levels of each contaminant
771 which are safe for human consumption. The Department of
772 Agriculture and Consumer Services shall assist the department in
773 developing the testing requirements for contaminants that are
774 unsafe for human consumption in edibles. The department shall
775 also determine by rule the procedures for the treatment of
776 marijuana that fails to meet the testing requirements of this
777 section, s. 381.988, or department rule. The department may
778 select a random sample from edibles available for purchase in a
779 dispensing facility that shall be tested by the department to
780 determine that the edible meets the potency requirements of this
781 section, is safe for human consumption, and the labeling of the
782 tetrahydrocannabinol and cannabidiol concentration is accurate.
783 A medical marijuana treatment center may not require payment
784 from the department for the sample. A medical marijuana
785 treatment center must recall all edibles, including all edibles
786 made from the same batch of marijuana, which fail to meet the
787 potency requirements of this section, which are unsafe for human
788 consumption, or for which the labeling of the

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789 tetrahydrocannabinol and cannabidiol concentration is
790 inaccurate. The medical marijuana treatment center must retain
791 records of all testing and samples of each homogenous batch of
792 marijuana for at least 9 months. The medical marijuana treatment
793 center must contract with a marijuana testing laboratory to
794 perform audits on the medical marijuana treatment center's
795 standard operating procedures, testing records, and samples and
796 provide the results to the department to confirm that the
797 marijuana or low-THC cannabis meets the requirements of this
798 section and that the marijuana or low-THC cannabis is safe for
799 human consumption. A medical marijuana treatment center shall
800 reserve two processed samples from each batch and retain such
801 samples for at least 9 months for the purpose such audits. A
802 medical marijuana treatment center may use a laboratory that has
803 not been certified by the department under s. 381.988 until such
804 time as at least one laboratory holds the required
805 certification, but in no event later than July 1, 2018.

806 d. Package the marijuana in compliance with the United
807 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
808 1471 et seq.

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

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

813 (II) The name of the medical marijuana treatment center

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814 from which the marijuana originates.

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

817 (IV) The name of the physician who issued the physician
818 certification.

819 (V) The name of the patient.

820 (VI) The product name, if applicable, and dosage form,
821 including concentration of tetrahydrocannabinol and cannabidiol.
822 The product name may not contain wording commonly associated
823 with products marketed by or to children.

824 (VII) The recommended dose.

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

827 (IX) A marijuana universal symbol developed by the
828 department.

829 8. The medical marijuana treatment center shall include in
830 each package a patient package insert with information on the
831 specific product dispensed related to:

832 a. Clinical pharmacology.

833 b. Indications and use.

834 c. Dosage and administration.

835 d. Dosage forms and strengths.

836 e. Contraindications.

837 f. Warnings and precautions.

838 g. Adverse reactions.

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839 9. Each edible shall be individually sealed in plain,
840 opaque wrapping marked only with the marijuana universal symbol.
841 Where practical, each edible shall be marked with the marijuana
842 universal symbol. In addition to the packaging and labeling
843 requirements in subparagraphs 7. and 8., edible receptacles must
844 be plain, opaque, and white without depictions of the product or
845 images other than the medical marijuana treatment center's
846 department-approved logo and the marijuana universal symbol. The
847 receptacle must also include a list all of the edible's
848 ingredients, storage instructions, an expiration date, a legible
849 and prominent warning to keep away from children and pets, and a
850 warning that the edible has not been produced or inspected
851 pursuant to federal food safety laws.

852 10. When dispensing marijuana or a marijuana delivery
853 device, a medical marijuana treatment center:

854 a. May dispense any active, valid order for low-THC
855 cannabis, medical cannabis and cannabis delivery devices issued
856 pursuant to former s. 381.986, Florida Statutes 2016, which was
857 been entered into the medical marijuana use registry before July
858 1, 2017.

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

861 c. Must have the medical marijuana treatment center's
862 employee who dispenses the marijuana or a marijuana delivery
863 device enter into the medical marijuana use registry his or her

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864 name or unique employee identifier.

865 d. Must verify that the qualified patient and the
866 caregiver, if applicable, each has an active registration in the
867 medical marijuana use registry and an active and valid medical
868 marijuana use registry identification card, the amount and type
869 of marijuana dispensed matches the physician's certification in
870 the medical marijuana use registry for that qualified patient,
871 and the physician certification has not already been filled.

872 e. May not dispense marijuana to a qualified patient who
873 is younger than 18 years of age. If the qualified patient is
874 younger than 18 years of age, marijuana may only be dispensed to
875 the qualified patient's caregiver.

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

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

887 (f) To ensure the safety and security of premises where
888 the cultivation, processing, storing, or dispensing of marijuana

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889 occurs, and to maintain adequate controls against the diversion,
890 theft, and loss of marijuana or marijuana delivery devices, a
891 medical marijuana treatment center shall:

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

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

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

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

906 (III) Recorded images must clearly and accurately display
907 the time and date.

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

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

912 3. Not dispense from its premises marijuana or a marijuana
913 delivery device between the hours of 9 p.m. and 7 a.m., but may

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914 perform all other operations and deliver marijuana to qualified
915 patients 24 hours a day.

916 4. Store marijuana in a secured, locked room or a vault.

917 5. Require at least two of its employees, or two employees
918 of a security agency with whom it contracts, to be on the
919 premises at all times.

920 6. Require each employee or contractor to wear a photo
921 identification badge at all times while on the premises.

922 7. Require each visitor to wear a visitor pass at all
923 times while on the premises.

924 8. Implement an alcohol and drug-free workplace policy.

925 9. Report to local law enforcement within 24 hours after
926 the treatment center is notified or becomes aware of the theft,
927 diversion, or loss of marijuana.

928 (g) If a medical marijuana treatment center uses a banking
929 institution, the treatment center must maintain all accounts
930 that are directly or indirectly associated with the business of
931 the medical marijuana treatment center at a single bank.

932 (h) To ensure the safe transport of marijuana and
933 marijuana delivery devices to medical marijuana treatment
934 centers, marijuana testing laboratories, or qualified patients,
935 a medical marijuana treatment center must:

936 1. Maintain a marijuana transportation manifest in any
937 vehicle transporting marijuana. The marijuana transportation
938 manifest must be generated from a medical marijuana treatment

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- 939 center's seed-to-sale tracking system and include the:
- 940 a. Departure date and approximate time of departure.
- 941 b. Name, location address, and license number of the
- 942 originating medical marijuana treatment center.
- 943 c. Name and address of the recipient of the delivery.
- 944 d. Quantity and form of any marijuana or marijuana
- 945 delivery device being transported.
- 946 e. Arrival date and estimated time of arrival.
- 947 f. Delivery vehicle make and model and license plate
- 948 number.
- 949 g. Name and signature of the medical marijuana treatment
- 950 center employees delivering the product.
- 951 (I) A copy of the marijuana transportation manifest must
- 952 be provided to each individual, medical marijuana treatment
- 953 center, or marijuana testing laboratory that receives a
- 954 delivery. The individual, or a representative of the center or
- 955 laboratory, must sign a copy of the marijuana transportation
- 956 manifest acknowledging receipt.
- 957 (II) An individual transporting marijuana or a marijuana
- 958 delivery device must present a copy of the relevant marijuana
- 959 transportation manifest and his or her employee identification
- 960 card to a law enforcement officer upon request.
- 961 (III) Medical marijuana treatment centers and marijuana
- 962 testing laboratories must retain copies of all marijuana
- 963 transportation manifests for at least 3 years.

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964 2. Ensure only vehicles in good working order are used to
965 transport marijuana.

966 3. Lock marijuana and marijuana delivery devices in a
967 separate compartment or container within the vehicle.

968 4. Require employees to have possession of their employee
969 identification card at all times when transporting marijuana or
970 marijuana delivery devices.

971 5. Require at least two persons to be in a vehicle
972 transporting marijuana or marijuana delivery devices, and
973 require at least one person to remain in the vehicle while the
974 marijuana or marijuana delivery device is being delivered.

975 6. Provide specific safety and security training to
976 employees transporting or delivering marijuana and marijuana
977 delivery devices.

978 (i) A medical marijuana treatment center may not engage in
979 advertising that is visible to members of the public from any
980 street, sidewalk, park, or other public place, except:

981 1. The dispensing location of a medical marijuana
982 treatment center may have a sign that is affixed to the outside
983 or hanging in the window of the premises which identifies the
984 dispensary by the licensee's business name, a department-
985 approved trade name, or a department-approved logo. A medical
986 marijuana treatment center's trade name and logo may not contain
987 wording or images commonly associated with marketing targeted
988 toward children or which promoteA medical marijuana treatment

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989 center's trade name and logo may not contain words or images
990 commonly associated with marketing targeted toward children or
991 which promote recreational use of marijuana.

992 2. A medical marijuana treatment center may engage in
993 Internet advertising and marketing under the following
994 conditions:

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

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

999 c. An advertisement may not be an unsolicited pop-up
1000 advertisement.

1001 d. Opt-in marketing must include an easy and permanent
1002 opt-out feature.

1003 (j) Each medical marijuana treatment center that dispenses
1004 marijuana and marijuana delivery devices shall make available to
1005 the public on its website:

1006 1. Each marijuana and low-THC product available for
1007 purchase, including the form, strain of marijuana from which it
1008 was extracted, cannabidiol content, tetrahydrocannabinol
1009 content, dose unit, total number of doses available, and the
1010 ratio of cannabidiol to tetrahydrocannabinol for each product.

1011 2. The price for a 30-day supply at a standard dose for
1012 each marijuana and low-THC product available for purchase.

1013 3. The price for each marijuana delivery device available

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1014 for purchase.

1015 4. If applicable, any discount policies and eligibility
1016 criteria for such discounts.

1017 (k) Medical marijuana treatment centers are the sole
1018 source from which a qualified patient may legally obtain
1019 marijuana.

1020 (l) The department may adopt rules pursuant to ss.
1021 120.536(1) and 120.54 to implement this subsection.

1022 (9) BACKGROUND SCREENING.-An individual required to
1023 undergo a background screening pursuant to this section must
1024 pass a level 2 background screening as provided under chapter
1025 435, which, in addition to the disqualifying offenses provided
1026 in s. 435.04, shall exclude an individual who has an arrest
1027 awaiting final disposition for, has been found guilty of,
1028 regardless of adjudication, or has entered a plea of nolo
1029 contendere or guilty to an offense under chapter 837, chapter
1030 895, or chapter 896 or similar law of another jurisdiction.

1031 (9) BACKGROUND SCREENING.-An individual required to
1032 undergo a background screening by this section must pass a level
1033 2 background screening as provided under chapter 435, which, in
1034 addition to the disqualifying offenses provided in s. 435.04,
1035 shall exclude an individual who has an arrest awaiting final
1036 disposition for, has been found guilty of, regardless of
1037 adjudication, or has entered a plea of nolo contendere or guilty
1038 to an offense under chapter 837, chapter 895, or chapter 896 or

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1039 similar law of another jurisdiction.

1040 (a) Such individual must submit a full set of fingerprints
1041 to the department or to a vendor, entity, or agency authorized
1042 by s. 943.053(13). The department, vendor, entity, or agency
1043 shall forward the fingerprints to the Department of Law
1044 Enforcement for state processing, and the Department of Law
1045 Enforcement shall forward the fingerprints to the Federal Bureau
1046 of Investigation for national processing.

1047 (b) Fees for state and federal fingerprint processing and
1048 retention shall be borne by the individual. The state cost for
1049 fingerprint processing shall be as provided in s. 943.053(3)(e)
1050 for records provided to persons or entities other than those
1051 specified as exceptions therein.

1052 (c) Fingerprints submitted to the Department of Law
1053 Enforcement pursuant to this subsection shall be retained by the
1054 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1055 (h) and, when the Department of Law Enforcement begins
1056 participation in the program, enrolled in the Federal Bureau of
1057 Investigation's national retained print arrest notification
1058 program. Any arrest record identified shall be reported to the
1059 department.

1060 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1061 ADMINISTRATIVE ACTIONS.—

1062 (a) The department shall conduct announced or unannounced
1063 inspections of medical marijuana treatment centers to determine

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1064 compliance with this section or rules adopted pursuant to this
1065 section.

1066 (b) The department shall inspect a medical marijuana
1067 treatment center upon receiving a complaint or notice that the
1068 medical marijuana treatment center has dispensed marijuana
1069 containing mold, bacteria, or other contaminant that may cause
1070 or has caused an adverse effect to human health or the
1071 environment.

1072 (c) The department shall conduct at least a biennial
1073 inspection of each medical marijuana treatment center to
1074 evaluate the medical marijuana treatment center's records,
1075 personnel, equipment, processes, security measures, sanitation
1076 practices, and quality assurance practices.

1077 (d) The Department of Agriculture and Consumer Services
1078 and the department shall enter into an interagency agreement to
1079 ensure cooperation and coordination in the performance of their
1080 obligations under this section and their respective regulatory
1081 and authorizing laws. The department, the Department of Highway
1082 Safety and Motor Vehicles, and the Department of Law Enforcement
1083 may enter into interagency agreements for the purposes specified
1084 in this subsection.

1085 (e) The department shall publish a list of all approved
1086 medical marijuana treatment centers, medical directors, and
1087 qualified physicians on its website.

1088 (f) The department may impose reasonable fines not to

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1089 exceed \$10,000 on a medical marijuana treatment center for any
1090 of the following violations:

1091 1. Violating this section or department rule.

1092 2. Failing to maintain qualifications for approval.

1093 3. Endangering the health, safety, or security of a
1094 qualified patient.

1095 4. Improperly disclosing personal and confidential
1096 information of the qualified patient.

1097 5. Attempting to procure medical marijuana treatment
1098 center approval by bribery, fraudulent misrepresentation, or
1099 extortion.

1100 6. Being convicted or found guilty of, or entering a plea
1101 of guilty or nolo contendere to, regardless of adjudication, a
1102 crime in any jurisdiction which directly relates to the business
1103 of a medical marijuana treatment center.

1104 7. Making or filing a report or record that the medical
1105 marijuana treatment center knows to be false.

1106 8. Willfully failing to maintain a record required by this
1107 section or department rule.

1108 9. Willfully impeding or obstructing an employee or agent
1109 of the department in the furtherance of his or her official
1110 duties.

1111 10. Engaging in fraud or deceit, negligence, incompetence,
1112 or misconduct in the business practices of a medical marijuana
1113 treatment center.

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1114 11. Making misleading, deceptive, or fraudulent
1115 representations in or related to the business practices of a
1116 medical marijuana treatment center.

1117 12. Having a license or the authority to engage in any
1118 regulated profession, occupation, or business that is related to
1119 the business practices of a medical marijuana treatment center
1120 suspended, revoked, or otherwise acted against by the licensing
1121 authority of any jurisdiction, including its agencies or
1122 subdivisions, for a violation that would constitute a violation
1123 under Florida law.

1124 13. Violating a lawful order of the department or an
1125 agency of the state, or failing to comply with a lawfully issued
1126 subpoena of the department or an agency of the state.

1127 (g) The department may suspend, revoke, or refuse to renew
1128 a medical marijuana treatment center license if the treatment
1129 center commits any of the violations in paragraph (f).

1130 (h) The department may adopt rules pursuant to ss.
1131 120.536(1) and 120.54 to implement this subsection.

1132 (11) PREEMPTION.—Regulation of cultivation, processing,
1133 and delivery of marijuana by medical marijuana treatment centers
1134 is preempted to the state except as provided in this subsection.

1135 (a) A medical marijuana treatment center cultivating or
1136 processing facility may not be located within 500 feet of the
1137 real property that comprises a public or private elementary
1138 school, middle school, or secondary school.

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1139 (b) A municipality may determine by ordinance the criteria
1140 for the number and location of, and other permitting
1141 requirements that do not conflict with state law or department
1142 rule for, medical marijuana treatment center dispensing
1143 facilities located within the boundaries of the municipality. A
1144 county may determine by ordinance the criteria for the number
1145 and location of, and other permitting requirements that do not
1146 conflict with state law or department rule for, all such
1147 dispensing facilities located within the unincorporated areas of
1148 that county. However, a medical marijuana treatment center
1149 dispensing facility may not be located within 500 feet of the
1150 real property that comprises a public or private elementary
1151 school, middle school, or secondary school unless the county or
1152 municipality approves the location through a formal proceeding
1153 open to the public at which the county or municipality
1154 determines that the location promotes the public health, safety,
1155 and general welfare of the community. A municipality or county
1156 may not enact ordinances determining the location of dispensing
1157 facilities which are less restrictive than in which the county or
1158 municipality determines that the location promotes the public
1159 health, safety, and general welfare of the community. A
1160 municipality or county may not enact ordinances determining the
1161 location of dispensing facilities which are less restrictive
1162 than its ordinances determining the location of entities
1163 licensed to sell alcoholic beverages that predominantly or

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1164 wholly serve alcoholic beverages for on-site consumption, in
1165 which the serving of food, if any, is merely incidental to the
1166 consumption of alcoholic beverages. A dispensing facility
1167 location approved by a municipality or county pursuant to former
1168 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1169 location requirements of this paragraph.

1170 (c) A municipality or county may not charge a medical
1171 marijuana treatment center a license or permit fee in an amount
1172 greater than the fee charged by such municipality or county to
1173 pharmacies.

1174 (d) This subsection does not prohibit any local
1175 jurisdiction from ensuring medical marijuana treatment center
1176 facilities comply with the Florida Building Code, the Florida
1177 Fire Prevention Code, or any local amendments to the Florida
1178 Building Code or the Florida Fire Prevention Code.

1179 (e) A municipality may determine by ordinance the location
1180 of medical marijuana treatment center cultivation and processing
1181 located within the boundaries of the municipality. A county may
1182 determine by ordinance the location of medical marijuana
1183 treatment center cultivation and processing located within the
1184 unincorporated areas of that county. A municipality or county
1185 may not prohibit the cultivation and processing of marijuana
1186 from occurring at the same location. A municipality or county
1187 may not enact an ordinance that has the effect of banning
1188 medical marijuana treatment center cultivation and processing

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1189 from occurring within the municipality or county.

1190 (12) PENALTIES.—

1191 (a) A qualified physician commits a misdemeanor of the
1192 first degree, punishable as provided in s. 775.082 or s.
1193 775.083, if the qualified physician issues a physician
1194 certification for the medical use of marijuana for a patient
1195 without a reasonable belief that the patient is suffering from a
1196 qualifying medical condition.

1197 (b) A person who fraudulently represents that he or she
1198 has a qualifying medical condition to a qualified physician for
1199 the purpose of being issued a physician certification commits a
1200 misdemeanor of the first degree, punishable as provided in s.
1201 775.082 or s. 775.083.

1202 (c) A qualified patient who uses marijuana, not including
1203 low-THC cannabis, or a caregiver who administers marijuana, not
1204 including low-THC cannabis, in plain view of or in a place open
1205 to the general public; in a school bus, a vehicle, an aircraft,
1206 or a boat; or on the grounds of a school except as provided in
1207 s. 1006.062, commits a misdemeanor of the first degree,
1208 punishable as provided in s. 775.082 or s. 775.083.

1209 (d) A qualified patient or caregiver who cultivates
1210 marijuana or who purchases or acquires marijuana from any person
1211 or entity other than a medical marijuana treatment center
1212 violates s. 893.13 and is subject to the penalties provided
1213 therein.

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1214 (e)1. A qualified patient or caregiver in possession of
1215 marijuana or a marijuana delivery device who fails or refuses to
1216 present his or her marijuana use registry identification card
1217 upon the request of a law enforcement officer commits a
1218 misdemeanor of the second degree, punishable as provided in s.
1219 775.082 or s. 775.083, unless it can be determined through the
1220 medical marijuana use registry that the person is authorized to
1221 be in possession of that marijuana or marijuana delivery device.

1222 2. A person charged with a violation of this paragraph may
1223 not be convicted if, prior toif, before or at the time of his or
1224 her court or hearing appearance, the person produces in court or
1225 to the clerk of the court in which the charge is pending a
1226 marijuana use registry identification card issued to him or her
1227 which is valid at the time of his or her arrest. The clerk of
1228 the court is authorized to dismiss such case at any time before
1229 the defendant's appearance in court. The clerk of the court may
1230 assess a fee of \$5 for dismissing the case under this paragraph.

1231 (f) A caregiver who violates any of the applicable
1232 provisions of this section or applicable department rules, for
1233 the first offense, commits a misdemeanor of the second degree,
1234 punishable as provided in s. 775.082 or s. 775.083 and, for a
1235 second or subsequent offense, commits a misdemeanor of the first
1236 degree, punishable as provided in s. 775.082 or s. 775.083.

1237 (g) A qualified physician who issues a physician
1238 certification for marijuana or a marijuana delivery device and

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1239 receives compensation from a medical marijuana treatment center
1240 related to the issuance of a physician certification for
1241 marijuana or a marijuana delivery device is subject to
1242 disciplinary action under the applicable practice act and s.
1243 456.072(1)(n).

1244 (h) A person transporting marijuana or marijuana delivery
1245 devices on behalf of a medical marijuana treatment center or
1246 marijuana testing laboratory who fails or refuses to present a
1247 transportation manifest upon the request of a law enforcement
1248 officer commits a misdemeanor of the second degree, punishable
1249 as provided in s. 775.082 or s. 775.083.

1250 (i) Persons and entities conducting activities authorized
1251 and governed by this section and s. 381.988 are subject to the
1252 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1253 (j) A person or entity that cultivates, processes,
1254 distributes, sells, or dispenses marijuana, as defined in s.
1255 29(b)(4), Art. X of the State Constitution, and is not licensed
1256 as a medical marijuana treatment center violates s. 893.13 and
1257 is subject to the penalties provided therein.

1258 (13) UNLICENSED ACTIVITY.—

1259 (a) If the department has probable cause to believe that a
1260 person or entity that is not registered or licensed with the
1261 department has violated this section, s. 381.988, or any rule
1262 adopted pursuant to this section, the department may issue and
1263 deliver to such person or entity a notice to cease and desist

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1264 from such violation. The department also may issue and deliver a
1265 notice to cease and desist to any person or entity who aids and
1266 abets such unlicensed activity. The issuance of a notice to
1267 cease and desist does not constitute agency action for which a
1268 hearing under s. 120.569 or s. 120.57 may be sought. For the
1269 purpose of enforcing a cease and desist order, the department
1270 may file a proceeding in the name of the state seeking issuance
1271 of an injunction or a writ of mandamus against any person or
1272 entity who violates any provisions of such order.

1273 (b) In addition to the remedies under paragraph (a), the
1274 department may impose by citation an administrative penalty not
1275 to exceed \$5,000 per incident. The citation shall be issued to
1276 the subject and shall contain the subject's name and any other
1277 information the department determines to be necessary to
1278 identify the subject, a brief factual statement, the sections of
1279 the law allegedly violated, and the penalty imposed. If the
1280 subject does not dispute the matter in the citation with the
1281 department within 30 days after the citation is served, the
1282 citation shall become a final order of the department. The
1283 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1284 to implement this section. Each day that the unlicensed activity
1285 continues after issuance of a notice to cease and desist
1286 constitutes a separate violation. The department shall be
1287 entitled to recover the costs of investigation and prosecution
1288 in addition to the fine levied pursuant to the citation. Service

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1289 of a citation may be made by personal service or by mail to the
1290 subject at the subject's last known address or place of
1291 practice. If the department is required to seek enforcement of
1292 the cease and desist or agency order, it shall be entitled to
1293 collect attorney fees and costs.

1294 (c) In addition to or in lieu of any other administrative
1295 remedy, the department may seek the imposition of a civil
1296 penalty through the circuit court for any violation for which
1297 the department may issue a notice to cease and desist. The civil
1298 penalty shall be no less than \$5,000 and no more than \$10,000
1299 for each offense. The court may also award to the prevailing
1300 party court costs and reasonable attorney fees and, in the event
1301 the department prevails, may also award reasonable costs of
1302 investigation and prosecution.

1303 (d) In addition to the other remedies provided in this
1304 section, the department or any state attorney may bring an
1305 action for an injunction to restrain any unlicensed activity or
1306 to enjoin the future operation or maintenance of the unlicensed
1307 activity or the performance of any service in violation of this
1308 section until compliance with this section and department rules
1309 has been demonstrated to the satisfaction of the department.

1310 (e) The department must notify local law enforcement of
1311 such unlicensed activity for a determination of any criminal
1312 violation of chapter 893.

1313 (14) EXCEPTIONS TO OTHER LAWS.—

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1314 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1315 any other provision of law, but subject to the requirements of
1316 this section, a qualified patient and the qualified patient's
1317 caregiver may purchase from a medical marijuana treatment center
1318 for the patient's medical use a marijuana delivery device and up
1319 to the amount of marijuana authorized in the physician
1320 certification, but may not possess more than a 70-day supply of
1321 marijuana at any given time and all marijuana purchased must
1322 remain in its original packaging.

1323 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1324 any other provision of law, but subject to the requirements of
1325 this section, an approved medical marijuana treatment center and
1326 its owners, managers, and employees may manufacture, possess,
1327 sell, deliver, distribute, dispense, and lawfully dispose of
1328 marijuana or a marijuana delivery device as provided in this
1329 section, s. 381.988, and by department rule. For purposes of
1330 this subsection, the terms "manufacture," "possession,"
1331 "deliver," "distribute," and "dispense" have the same meanings
1332 as provided in s. 893.02.

1333 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1334 any other provision of law, but subject to the requirements of
1335 this section, a certified marijuana testing laboratory,
1336 including an employee of a certified marijuana testing
1337 laboratory acting within the scope of his or her employment, may
1338 acquire, possess, test, transport, and lawfully dispose of

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1339 marijuana as provided in this section, in s. 381.988, and by
1340 department rule.

1341 (d) A licensed medical marijuana treatment center and its
1342 owners, managers, and employees are not subject to licensure or
1343 regulation under chapter 465 or chapter 499 for manufacturing,
1344 possessing, selling, delivering, distributing, dispensing, or
1345 lawfully disposing of marijuana or a marijuana delivery device,
1346 as provided in this section, s. 381.988, and by department rule.

1347 (e) This subsection does not exempt a person from
1348 prosecution for a criminal offense related to impairment or
1349 intoxication resulting from the medical use of marijuana or
1350 relieve a person from any requirement under law to submit to a
1351 breath, blood, urine, or other test to detect the presence of a
1352 controlled substance.

1353 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1354 any other provision of law, but subject to the requirements of
1355 this section and pursuant to policies and procedures established
1356 pursuant to s. 1006.62(8), school personnel may possess
1357 marijuana that is obtained for medical use pursuant to this
1358 section by a student who is a qualified patient.

1359 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1360 any other provision of law, but subject to the requirements of
1361 this section, a research institute established by a public
1362 postsecondary educational institution, such as the H. Lee
1363 Moffitt Cancer Center and Research Institute established under

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1364 s. 1004.43, or a state university that has achieved the
1365 preeminent state research university designation under s.
1366 1001.7065 may possess, test, transport, and lawfully dispose of
1367 marijuana for research purposes as provided by this section.

1368 (15) APPLICABILITY.—This section does not limit the
1369 ability of an employer to establish, continue, or enforce a
1370 drug-free workplace program or policy. This section does not
1371 require an employer to accommodate the medical use of marijuana
1372 in any workplace or any employee working while under the
1373 influence of marijuana. This section does not create a cause of
1374 action against an employer for wrongful discharge or
1375 discrimination.

1376 Section 3. Paragraph (uu) is added to subsection (1) of
1377 section 458.331, Florida Statutes, to read:

1378 458.331 Grounds for disciplinary action; action by the
1379 board and department.—

1380 (1) The following acts constitute grounds for denial of a
1381 license or disciplinary action, as specified in s. 456.072(2):

1382 (uu) Issuing a physician certification, as defined in s.
1383 381.986, in a manner out of compliance with the requirements of
1384 that section and rules adopted thereunder.

1385 Section 4. Paragraph (ww) is added to subsection (1) of
1386 section 459.015, Florida Statutes, to read:

1387 459.015 Grounds for disciplinary action; action by the
1388 board and department.—

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1389 (1) The following acts constitute grounds for denial of a
1390 license or disciplinary action, as specified in s. 456.072(2):

1391 (ww) Issuing a physician certification, as defined in s.
1392 381.986, in a manner not in compliance with the requirements of
1393 that section and rules adopted thereunder.

1394 Section 5. Section 381.988, Florida Statutes, is created
1395 to read:

1396 381.988 Medical marijuana testing laboratories; marijuana
1397 tests conducted by a certified laboratory.-

1398 (1) A person or entity seeking to be a certified marijuana
1399 testing laboratory must:

1400 (a) Not be owned or controlled by a medical marijuana
1401 treatment center.

1402 (b) Submit a completed application accompanied by an
1403 application fee, as established by department rule.

1404 (c) Submit proof of an accreditation or a certification
1405 approved by the department issued by an accreditation or a
1406 certification organization approved by the department. The
1407 department shall adopt by rule a list of approved laboratory
1408 accreditations or certifications and accreditation or
1409 certification organizations.

1410 (d) Require all owners and managers to submit to and pass
1411 a level 2 background screening pursuant to s. 435.04 and shall
1412 deny certification if the person or entity has been found guilty
1413 of, or has entered a plea of guilty or nolo contendere to,

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1414 regardless of adjudication, any offense listed in chapter 837,
1415 chapter 895, or chapter 896 or similar law of another
1416 jurisdiction.

1417 1. Such owners and managers must submit a full set of
1418 fingerprints to the department or to a vendor, entity, or agency
1419 authorized by s. 943.053(13). The department, vendor, entity, or
1420 agency shall forward the fingerprints to the Department of Law
1421 Enforcement for state processing, and the Department of Law
1422 Enforcement shall forward the fingerprints to the Federal Bureau
1423 of Investigation for national processing.

1424 2. Fees for state and federal fingerprint processing and
1425 retention shall be borne by such owners or managers. The state
1426 cost for fingerprint processing shall be as provided in s.
1427 943.053(3) (e) for records provided to persons or entities other
1428 than those specified as exceptions therein.

1429 3. Fingerprints submitted to the Department of Law
1430 Enforcement pursuant to this paragraph shall be retained by the
1431 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1432 (h) and, when the Department of Law Enforcement begins
1433 participation in the program, enrolled in the Federal Bureau of
1434 Investigation's national retained print arrest notification
1435 program. Any arrest record identified shall be reported to the
1436 department.

1437 (e) Demonstrate to the department the capability of
1438 meeting the standards for certification required by this

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1439 subsection, and the testing requirements of s. 381.986 and this
1440 section and rules adopted thereunder.

1441 (2) The department shall adopt rules pursuant to ss.
1442 120.536(1) and 120.54 establishing a procedure for initial
1443 certification and biennial renewal, including initial
1444 application and biennial renewal fees sufficient to cover the
1445 costs of administering this certification program. The
1446 department shall renew the certification biennially if the
1447 laboratory meets the requirements of this section and pays the
1448 biennial renewal fee.

1449 (3) The department shall adopt rules pursuant to ss.
1450 120.536(1) and 120.54 establishing the standards for
1451 certification of marijuana testing laboratories under this
1452 section. The Department of Agriculture and Consumer Services and
1453 the Department of Environmental Protection shall assist the
1454 department in developing the rule, which must include, but is
1455 not limited to:

1456 (a) Security standards.

1457 (b) Minimum standards for personnel.

1458 (c) Sample collection method and process standards.

1459 (d) Proficiency testing for tetrahydrocannabinol potency,
1460 concentration of cannabidiol, and contaminants unsafe for human
1461 consumption, as determined by department rule.

1462 (e) Reporting content, format, and frequency.

1463 (f) Audits and onsite inspections.

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- 1464 (g) Quality assurance.
- 1465 (h) Equipment and methodology.
- 1466 (i) Chain of custody.
- 1467 (j) Any other standard the department deems necessary to
1468 ensure the health and safety of the public.
- 1469 (4) A marijuana testing laboratory may acquire marijuana
1470 only from a medical marijuana treatment center. A marijuana
1471 testing laboratory is prohibited from selling, distributing, or
1472 transferring marijuana received from a marijuana treatment
1473 center, except that a marijuana testing laboratory may transfer
1474 a sample to another marijuana testing laboratory in this state.
- 1475 (5) A marijuana testing laboratory must properly dispose
1476 of all samples it receives, unless transferred to another
1477 marijuana testing laboratory, after all necessary tests have
1478 been conducted and any required period of storage has elapsed,
1479 as established by department rule.
- 1480 (6) A marijuana testing laboratory shall use the computer
1481 software tracking system selected by the department under s.
1482 381.986.
- 1483 (7) The following acts constitute grounds for which
1484 disciplinary action specified in subsection (8) may be taken
1485 against a certified marijuana testing laboratory:
- 1486 (a) Permitting unauthorized persons to perform technical
1487 procedures or issue reports.
- 1488 (b) Demonstrating incompetence or making consistent errors

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- 1489 in the performance of testing or erroneous reporting.
- 1490 (c) Performing a test and rendering a report thereon to a
1491 person or entity not authorized by law to receive such services.
- 1492 (d) Failing to file any report required under this section
1493 or s. 381.986 or the rules adopted thereunder.
- 1494 (e) Reporting a test result if the test was not performed.
- 1495 (f) Failing to correct deficiencies within the time
1496 required by the department.
- 1497 (g) Violating or aiding and abetting in the violation of
1498 any provision of s. 381.986 or this section or any rules adopted
1499 thereunder.
- 1500 (8) The department may refuse to issue or renew, or may
1501 suspend or revoke, the certification of a marijuana testing
1502 laboratory that is found to be in violation of this section or
1503 any rules adopted hereunder. The department may impose fines for
1504 violations of this section or rules adopted thereunder, based on
1505 a schedule adopted in rule. In determining the administrative
1506 action to be imposed for a violation, the department must
1507 consider the following factors:
- 1508 (a) The severity of the violation, including the
1509 probability of death or serious harm to the health or safety of
1510 any person that may result or has resulted; the severity or
1511 potential harm; and the extent to which the provisions of s.
1512 381.986 or this section were violated.
- 1513 (b) The actions taken by the marijuana testing laboratory

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1514 to correct the violation or to remedy the complaint.

1515 (c) Any previous violation by the marijuana testing
1516 laboratory.

1517 (d) The financial benefit to the marijuana testing
1518 laboratory of committing or continuing the violation.

1519 (9) The department may adopt rules pursuant to ss.
1520 120.536(1) and 120.54 to implement this section.

1521 Section 6. Section 381.989, Florida Statutes, is created
1522 to read:

1523 381.989 Public education campaigns.—

1524 (1) DEFINITIONS.—As used in this section, the term:

1525 (a) "Cannabis" has the same meaning as in s. 893.02.

1526 (b) "Department" means the Department of Health.

1527 (c) "Marijuana" has the same meaning as in s. 381.986.

1528 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1529 USE PREVENTION CAMPAIGN.—

1530 (a) The department shall implement a statewide cannabis
1531 and marijuana education and illicit use prevention campaign to
1532 publicize accurate information regarding:

1533 1. The short-term and long-term health effects of cannabis
1534 and marijuana use, particularly on minors and young adults.

1535 2. The legal requirements for licit use and possession of
1536 marijuana in this state.

1537 3. Safe use of marijuana, including preventing access by
1538 persons other than qualified patients as defined in s. 381.986,

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1539 particularly children.

1540 4. Other cannabis-related and marijuana-related education
1541 determined by the department to be necessary to the public
1542 health and safety.

1543 (b) The department may use television messaging, radio
1544 broadcasts, print media, digital strategies, social media, and
1545 any other form of messaging deemed necessary and appropriate by
1546 the department to implement the campaign. The department may
1547 work with school districts, community organizations, and
1548 businesses and business organizations and other entities to
1549 provide training and programming.

1550 (c) The department may contract with one or more vendors
1551 to implement the campaign.

1552 (d) The department shall contract with an independent
1553 entity to conduct annual evaluations of the campaign. The
1554 evaluations shall assess the reach and impact of the campaign,
1555 success in educating the citizens of the state regarding the
1556 legal parameters for marijuana use, success in preventing
1557 illicit access by adults and youth, and success in preventing
1558 negative health impacts from the legalization of marijuana. The
1559 first year of the program, the evaluator shall conduct surveys
1560 to establish baseline data on youth and adult cannabis use, the
1561 attitudes of youth and the general public toward cannabis and
1562 marijuana, and any other data deemed necessary for long-term
1563 analysis. By January 31 of each year, the department shall

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1564 submit to the Governor, the President of the Senate, and the
1565 Speaker of the House of Representatives the annual evaluation of
1566 the campaign.

1567 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1568 (a) The Department of Highway Safety and Motor Vehicles
1569 shall implement a statewide impaired driving education campaign
1570 to raise awareness and prevent marijuana-related and cannabis-
1571 related impaired driving and may contract with one or more
1572 vendors to implement the campaign. The Department of Highway
1573 Safety and Motor Vehicles may use television messaging, radio
1574 broadcasts, print media, digital strategies, social media, and
1575 any other form of messaging deemed necessary and appropriate by
1576 the department to implement the campaign.

1577 (b) At a minimum, the Department of Highway Safety and
1578 Motor Vehicles or a contracted vendor shall establish baseline
1579 data on the number of marijuana-related citations for driving
1580 under the influence, marijuana-related traffic arrests,
1581 marijuana-related traffic accidents, and marijuana-related
1582 traffic fatalities, and shall track these measures annually
1583 thereafter. The Department of Highway Safety and Motor Vehicles
1584 or a contracted vendor shall annually evaluate and compile a
1585 report on the efficacy of the campaign based on those measures
1586 and other measures established by the Department of Highway
1587 Safety and Motor Vehicles. By January 31 of each year, the
1588 Department of Highway Safety and Motor Vehicles shall submit the

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1589 report on the evaluation of the campaign to the Governor, the
1590 President of the Senate, and the Speaker of the House of
1591 Representatives.

1592 Section 7. Subsection (1) of section 385.211, Florida
1593 Statutes, is amended to read:

1594 385.211 Refractory and intractable epilepsy treatment and
1595 research at recognized medical centers.—

1596 (1) As used in this section, the term "low-THC cannabis"
1597 means "low-THC cannabis" as defined in s. 381.986 that is
1598 dispensed only from a dispensing organization as defined in
1599 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1600 treatment center as defined in s. 381.986.

1601 Section 8. Paragraphs (b) through (e) of subsection (2) of
1602 section 499.0295, Florida Statutes, are redesignated as
1603 paragraphs (a) through (d), respectively, and present paragraphs
1604 (a) and (c) of that subsection, and subsection (3) of that
1605 section are amended to read:

1606 499.0295 Experimental treatments for terminal conditions.—

1607 (2) As used in this section, the term:

1608 ~~(a) "Dispensing organization" means an organization~~
1609 ~~approved by the Department of Health under s. 381.986(5) to~~
1610 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1611 ~~medical cannabis, and cannabis delivery devices.~~

1612 (b)-(e) "Investigational drug, biological product, or
1613 device" means÷

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1614 ~~1.~~ a drug, biological product, or device that has
1615 successfully completed phase 1 of a clinical trial but has not
1616 been approved for general use by the United States Food and Drug
1617 Administration and remains under investigation in a clinical
1618 trial approved by the United States Food and Drug
1619 Administration; ~~or~~

1620 ~~2. Medical cannabis that is manufactured and sold by a~~
1621 ~~dispensing organization.~~

1622 (3) Upon the request of an eligible patient, a
1623 manufacturer may, ~~or upon a physician's order pursuant to s.~~
1624 ~~381.986, a dispensing organization may:~~

1625 (a) Make its investigational drug, biological product, or
1626 device available under this section.

1627 (b) Provide an investigational drug, biological product,
1628 or device, ~~or cannabis delivery device as defined in s. 381.986~~
1629 to an eligible patient without receiving compensation.

1630 (c) Require an eligible patient to pay the costs of, or
1631 the costs associated with, the manufacture of the
1632 investigational drug, biological product, or device, ~~or cannabis~~
1633 ~~delivery device as defined in s. 381.986.~~

1634 Section 9. Subsection (3) of section 893.02, Florida
1635 Statutes, is amended to read:

1636 893.02 Definitions.—The following words and phrases as
1637 used in this chapter shall have the following meanings, unless
1638 the context otherwise requires:

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1639 (3) "Cannabis" means all parts of any plant of the genus
1640 Cannabis, whether growing or not; the seeds thereof; the resin
1641 extracted from any part of the plant; and every compound,
1642 manufacture, salt, derivative, mixture, or preparation of the
1643 plant or its seeds or resin. The term does not include
1644 "marijuana," "low-THC cannabis," as defined in s. 381.986, if
1645 manufactured, possessed, sold, purchased, delivered,
1646 distributed, or dispensed, in conformance with s. 381.986.

1647 Section 10. Section 1004.4351, Florida Statutes, is created
1648 to read:

1649 1004.4351 Medical marijuana research and education.-

1650 (1) SHORT TITLE.-This section shall be known and may be
1651 cited as the "Medical Marijuana Research and Education Act."

1652 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

1653 (a) The present state of knowledge concerning the use of
1654 marijuana to alleviate pain and treat illnesses is limited
1655 because permission to perform clinical studies on marijuana is
1656 difficult to obtain, with access to research-grade marijuana so
1657 restricted that little or no unbiased studies have been
1658 performed.

1659 (b) Under the State Constitution, marijuana is available
1660 for the treatment of certain debilitating medical conditions.

1661 (c) Additional clinical studies are needed to ensure that
1662 the residents of this state obtain the correct dosing,
1663 formulation, route, modality, frequency, quantity, and quality

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1664 of marijuana for specific illnesses.

1665 (d) An effective medical marijuana research and education
1666 program would mobilize the scientific, educational, and medical
1667 resources that presently exist in this state to determine the
1668 appropriate and best use of marijuana to treat illness.

1669 (3) DEFINITIONS.—As used in this section, the term:

1670 (a) "Board" means the Medical Marijuana Research and
1671 Education Board.

1672 (b) "Coalition" means the Coalition for Medical Marijuana
1673 Research and Education.

1674 (c) "Marijuana" has the same meaning as provided in s. 29,
1675 Art. X of the State Constitution.

1676 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1677 EDUCATION.—

1678 (a) There is established within the H. Lee Moffitt Cancer
1679 Center and Research Institute, Inc., the Coalition for Medical
1680 Marijuana Research and Education. The purpose of the coalition
1681 is to conduct rigorous scientific research, provide education,
1682 disseminate research, and guide policy for the adoption of a
1683 statewide policy on ordering and dosing practices for the
1684 medical use of marijuana. The coalition shall be physically
1685 located at the H. Lee Moffitt Cancer Center and Research
1686 Institute, Inc.

1687 (b) The Medical Marijuana Research and Education Board is
1688 established to direct the operations of the coalition. The board

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1689 shall be composed of seven members appointed by the chief
1690 executive officer of the H. Lee Moffitt Cancer Center and
1691 Research Institute, Inc. Board members must have experience in a
1692 variety of scientific and medical fields, including, but not
1693 limited to, oncology, neurology, psychology, pediatrics,
1694 nutrition, and addiction. Members shall be appointed to 4-year
1695 terms and may be reappointed to serve additional terms. The
1696 chair shall be elected by the board from among its members to
1697 serve a 2-year term. The board shall meet no less than
1698 semiannually at the call of the chair or, in his or her absence
1699 or incapacity, the vice chair. Four members constitute a quorum.
1700 A majority vote of the members present is required for all
1701 actions of the board. The board may prescribe, amend, and repeal
1702 a charter governing the manner in which it conducts its
1703 business. A board member shall serve without compensation but is
1704 entitled to be reimbursed for travel expenses by the coalition
1705 or the organization he or she represents in accordance with s.
1706 112.061.

1707 (c) The coalition shall be administered by a coalition
1708 director, who shall be appointed by and serve at the pleasure of
1709 the board. The coalition director shall, subject to the approval
1710 of the board:

- 1711 1. Propose a budget for the coalition.
1712 2. Foster the collaboration of scientists, researchers,
1713 and other appropriate personnel in accordance with the

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1714 coalition's charter.

1715 3. Identify and prioritize the research to be conducted by
1716 the coalition.

1717 4. Prepare the Medical Marijuana Research and Education
1718 Plan for submission to the board.

1719 5. Apply for grants to obtain funding for research
1720 conducted by the coalition.

1721 6. Perform other duties as determined by the board.

1722 (d) The board shall advise the Board of Governors, the
1723 State Surgeon General, the Governor, and the Legislature with
1724 respect to medical marijuana research and education in this
1725 state. The board shall explore methods of implementing and
1726 enforcing medical marijuana laws in relation to cancer control,
1727 research, treatment, and education.

1728 (e) The board shall annually adopt a plan for medical
1729 marijuana research, known as the "Medical Marijuana Research and
1730 Education Plan," which must be in accordance with state law and
1731 coordinate with existing programs in this state. The plan must
1732 include recommendations for the coordination and integration of
1733 medical, nursing, paramedical, community, and other resources
1734 connected with the treatment of debilitating medical conditions;
1735 research related to the treatment of such medical conditions;
1736 and education.

1737 (f) By February 15 of each year, the board shall issue a
1738 report to the Governor, the President of the Senate, and the

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1739 Speaker of the House of Representatives on research projects,
1740 community outreach initiatives, and future plans for the
1741 coalition.

1742 (g) Beginning January 15, 2018, and quarterly thereafter,
1743 the Department of Health shall submit to the board a data set
1744 that includes, for each patient registered in the medical
1745 marijuana use registry, the patient's qualifying medical
1746 condition and the daily dose amount and forms of marijuana
1747 certified for the patient.

1748 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1749 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1750 and Research Institute, Inc., shall allocate staff and provide
1751 information and assistance, as the coalition's budget permits,
1752 to assist the board in fulfilling its responsibilities.

1753 Section 11. Subsection (1) of section 1004.441, Florida
1754 Statutes, is amended to read:

1755 1004.441 Refractory and intractable epilepsy treatment and
1756 research.—

1757 (1) As used in this section, the term "low-THC cannabis"
1758 means "low-THC cannabis" as defined in s. 381.986 that is
1759 dispensed only from a dispensing organization as defined in
1760 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1761 treatment center as defined in s. 381.986.

1762 Section 12. Subsection (8) is added to section 1006.062,
1763 Florida Statutes, to read:

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1764 1006.062 Administration of medication and provision of
1765 medical services by district school board personnel.—

1766 (8) Each district school board shall adopt a policy and a
1767 procedure for allowing a student who is a qualified patient, as
1768 defined in s. 381.986, to use marijuana obtained pursuant to
1769 that section. Such policy and procedure shall ensure access by
1770 the qualified patient; identify how the marijuana will be
1771 received, accounted for, and stored; and establish processes to
1772 prevent access by other students and school personnel
1773 unnecessary to the implementation of the policy.

1774 Section 13. Department of Health; authority to adopt
1775 rules; cause of action.—

1776 (1) EMERGENCY RULEMAKING.—

1777 (a) The Department of Health and the applicable boards
1778 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1779 Statutes, and this section necessary to implement ss. 381.986
1780 and 381.988, Florida Statutes. If an emergency rule adopted
1781 under this section is held to be unconstitutional or an invalid
1782 exercise of delegated legislative authority, and becomes void,
1783 the department or the applicable boards may adopt an emergency
1784 rule pursuant to this section to replace the rule that has
1785 become void. If the emergency rule adopted to replace the void
1786 emergency rule is also held to be unconstitutional or an invalid
1787 exercise of delegated legislative authority and becomes void,
1788 the department and the applicable boards must follow the

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1789 nonemergency rulemaking procedures of the Administrative
1790 Procedures Act to replace the rule that has become void.

1791 (b) For emergency rules adopted under this section, the
1792 department and the applicable boards need not make the findings
1793 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1794 adopted under this section are exempt from ss. 120.54(3)(b) and
1795 120.541, Florida Statutes. The department and the applicable
1796 boards shall meet the procedural requirements in s. 120.54(a),
1797 Florida Statutes, if the department or the applicable boards
1798 have, prior to the effective date of this act, held any public
1799 workshops or hearings on the subject matter of the emergency
1800 rules adopted under this subsection. Challenges to emergency
1801 rules adopted under this subsection shall be subject to the time
1802 schedules provided in s. 120.56(5), Florida Statutes.

1803 (c) Emergency rules adopted under this section are exempt
1804 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1805 effect until replaced by rules adopted under the nonemergency
1806 rulemaking procedures of the Administrative Procedures Act. By
1807 January 1, 2018, the department and the applicable boards shall
1808 initiate nonemergency rulemaking pursuant to the Administrative
1809 Procedures Act to replace all emergency rules adopted under this
1810 section by publishing a notice of rule development in the
1811 Florida Administrative Register. Except as provided in paragraph
1812 (a), after January 1, 2018, the department and applicable boards
1813 may not adopt rules pursuant to the emergency rulemaking

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1814 procedures provided in this section.

1815 (2) CAUSE OF ACTION.—

1816 (a) As used in s. 29(d)(3), Art. X of the State
1817 Constitution, the term:

1818 1. "Issue regulations" means the filing by the department
1819 of a rule or emergency rule for adoption with the Department of
1820 State.

1821 2. "Judicial relief" means an action for declaratory
1822 judgment pursuant to chapter 86, Florida Statutes.

1823 (b) The venue for actions brought against the department
1824 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1825 be in the circuit court in and for Leon County.

1826 (c) If the department is not issuing patient and caregiver
1827 identification cards or licensing medical marijuana treatment
1828 centers by October 3, 2017, the following shall be a defense to
1829 a cause of action brought under s. 29(d)(3), Art. X of the State
1830 Constitution:

1831 1. The department is unable to issue patient and caregiver
1832 identification cards or license medical marijuana treatment
1833 centers due to litigation challenging a rule as an invalid
1834 exercise of delegated legislative authority or unconstitutional.

1835 2. The department is unable to issue patient or caregiver
1836 identification cards or license medical marijuana treatment
1837 centers due to a rule being held as an invalid exercise of
1838 delegated legislative authority or unconstitutional.

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1839 Section 14. Department of Law Enforcement; training
1840 related to medical use of marijuana.-The Department of Law
1841 Enforcement shall develop a 4-hour online initial training
1842 course, and a 2-hour online continuing education course, which
1843 shall be made available for use by all law enforcement agencies
1844 in this state. Such training shall cover the legal parameters of
1845 marijuana-related activities governed by ss. 381.986 and
1846 381.988, Florida Statutes, relating to criminal laws governing
1847 marijuana.

1848 Section 15. Section 385.212, Florida Statutes, is amended
1849 to read:

1850 385.212 Powers and duties of the Department of Health;
1851 Office of Medical Marijuana ~~Compassionate~~ Use.-

1852 (1) The Department of Health shall establish an Office of
1853 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1854 Deputy State Health Officer.

1855 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
1856 enhance access to investigational new drugs for Florida patients
1857 through approved clinical treatment plans or studies. The Office
1858 of Medical Marijuana ~~Compassionate~~ Use may:

1859 (a) Create a network of state universities and medical
1860 centers recognized pursuant to s. 381.925.

1861 (b) Make any necessary application to the United States
1862 Food and Drug Administration or a pharmaceutical manufacturer to
1863 facilitate enhanced access to medical ~~compassionate~~ use of

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1864 marijuana for Florida patients.

1865 (c) Enter into any agreements necessary to facilitate
1866 enhanced access to medical ~~compassionate~~ use of marijuana for
1867 Florida patients.

1868 (3) The department may adopt rules necessary to implement
1869 this section.

1870 (4) The Office of Medical Marijuana Use shall administer
1871 and enforce the provisions of s. 381.986.

1872 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
1873 time equivalent positions, with associated salary rate of
1874 2,198,860, are authorized and the sums of \$3.5 million in
1875 nonrecurring funds from the General Revenue Fund and \$4,055,292
1876 in recurring funds and \$1,238,148 in nonrecurring funds from the
1877 Grants and Donations Trust Fund are appropriated to the
1878 Department of Health for the purpose of implementing the
1879 requirements of this act. Of the funds appropriated, \$3,158,572
1880 in recurring funds and \$1,238,148 in nonrecurring funds from the
1881 Grants and Donations Trust Fund and 27 full-time equivalent
1882 positions shall be placed in reserve. The Department of Health
1883 is authorized to submit budget amendments requesting the release
1884 of funds being held in reserve pursuant to chapter 216, Florida
1885 Statutes contingent upon need and demonstration of fee
1886 collections to support the budget authority.

1887 (2) For the 2017-2018 fiscal year, the sum of \$10 million
1888 in nonrecurring funds from the General Revenue Fund is

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1889 appropriated to the Department of Health to implement the
1890 statewide cannabis and marijuana education and illicit use
1891 prevention campaign established under s. 381.989, Florida
1892 Statutes.

1893 (3) For the 2017-2018 fiscal year, the sum of \$5 million
1894 in nonrecurring funds from the Highway Safety Operating Trust
1895 Fund are appropriated to the Department of Highway Safety and
1896 Motor Vehicles to implement the statewide impaired driving
1897 education campaign established under s. 381.989, Florida
1898 Statutes.

1899 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
1900 recurring funds from the Highway Safety Operating Trust Fund is
1901 appropriated to the Department of Highway Safety and Motor
1902 Vehicles for the purpose of training additional law enforcement
1903 officers as drug recognition experts.

1904 Section 17. This act shall take effect upon becoming a
1905 law.

1907 -----

1908 **T I T L E A M E N D M E N T**

1909 Remove everything before the enacting clause and insert:

1911 A bill to be entitled
1912 An act relating to medical use of marijuana; amending
1913 s. 212.08, F.S.; providing an exemption from the state

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1914 tax on sales, use, and other transactions for
1915 marijuana and marijuana delivery devices used for
1916 medical purposes; amending s. 381.986, F.S.;
1917 providing, revising, and deleting definitions;
1918 providing qualifying medical conditions for a patient
1919 to be eligible to receive marijuana or a marijuana
1920 delivery device; providing requirements for
1921 designating a qualified physician or medical director;
1922 providing criteria for certification of a patient for
1923 medical marijuana treatment by a qualified physician;
1924 providing for certain patients registered with the
1925 compassionate use registry to be deemed qualified;
1926 requiring the Department of Health to monitor
1927 physician registration and certifications in the
1928 medical marijuana use registry; requiring the Board of
1929 Medicine and the Board of Osteopathic Medicine to
1930 create a physician certification pattern review panel;
1931 providing rulemaking authority to the department and
1932 the boards; requiring the department to establish a
1933 medical marijuana use registry; specifying entities
1934 and persons who have access to the registry; providing
1935 requirements for registration of, and maintenance of
1936 registered status by, qualified patients and
1937 caregivers; providing criteria for nonresidents to
1938 prove residency for registration as a qualified

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1939 patient; defining the term "seasonal resident";
1940 authorizing the department to revoke the registration
1941 of a patient or caregiver under certain circumstances;
1942 providing requirements for the issuance of medical
1943 marijuana use registry identification cards; requiring
1944 the department to issue licenses to a certain number
1945 of medical marijuana treatment centers; providing for
1946 license renewal and revocation; providing for
1947 continuance of certain entities authorized to dispense
1948 low-THC cannabis, medical cannabis, and cannabis
1949 delivery devices; requiring a medical marijuana
1950 treatment center to comply with certain standards in
1951 the production and distribution of edibles; requiring
1952 background screening of owners, officers, board
1953 members, and managers of medical marijuana treatment
1954 centers; requiring the department to establish,
1955 maintain, and control a computer seed-to-sale
1956 marijuana tracking system; requiring the department to
1957 establish protocols and procedures for operation,
1958 conduct periodic inspections, and restrict location of
1959 medical marijuana treatment centers; providing a limit
1960 on county and municipal permit fees; authorizing
1961 counties and municipalities to determine the location
1962 of medical marijuana treatment centers by ordinance
1963 under certain conditions; providing penalties;

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1964 | authorizing the department to impose sanctions on
1965 | persons or entities engaging in unlicensed activities;
1966 | providing that a person is not exempt from prosecution
1967 | for certain offenses and is not relieved from certain
1968 | requirements of law under certain circumstances;
1969 | providing for certain school personnel to possess
1970 | marijuana pursuant to certain established policies and
1971 | procedures; providing that certain research
1972 | institutions may possess, test, transport, and dispose
1973 | of marijuana subject to certain conditions; providing
1974 | applicability with respect to employer-instituted
1975 | drug-free workplace programs; amending ss. 458.331 and
1976 | 459.015, F.S.; providing additional acts by a
1977 | physician or an osteopathic physician which constitute
1978 | grounds for denial of a license or disciplinary action
1979 | to which penalties apply; creating s. 381.988, F.S.;;
1980 | providing for the establishment of medical marijuana
1981 | testing laboratories; requiring the Department of
1982 | Health, in collaboration with the Department of
1983 | Agriculture and Consumer Services and the Department
1984 | of Environmental Protection, to develop certification
1985 | standards and rules; creating s. 381.989, F.S.;;
1986 | directing the department and the Department of Highway
1987 | Safety and Motor Vehicles to institute public
1988 | education campaigns relating to cannabis and marijuana

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1989 and impaired driving; requiring evaluations of public
1990 education campaigns; authorizing the department and
1991 the Department of Highway Safety and Motor Vehicles to
1992 contract with vendors to implement and evaluate the
1993 campaigns; amending ss. 385.211, 499.0295, and 893.02,
1994 F.S.; conforming provisions to changes made by the
1995 act; creating s. 1004.4351, F.S.; providing a short
1996 title; providing legislative findings; defining terms;
1997 establishing the Coalition for Medical Marijuana
1998 Research and Education within the H. Lee Moffitt
1999 Cancer Center and Research Institute, Inc.; providing
2000 a purpose for the coalition; establishing the Medical
2001 Marijuana Research and Education Board to direct the
2002 operations of the coalition; providing for the
2003 appointment of board members; providing for terms of
2004 office, reimbursement for certain expenses,
2005 and 381.986, F.S.; providing, revising, and deleting
2006 definitions; providing qualifying medical conditions
2007 for a patient to be eligible to receive marijuana or a
2008 marijuana delivery device; providing requirements for
2009 designating a qualified physician or medical director;
2010 providing criteria for certification of a patient for
2011 medical marijuana treatment by a qualified physician;
2012 providing for certain patients registered with the
2013 compassionate use registry to be deemed qualified;

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2014 requiring the Department of Health to monitor
2015 physician registration and certifications in the
2016 medical marijuana use registry; requiring the Board of
2017 Medicine and the Board of Osteopathic Medicine to
2018 create a physician certification pattern review panel;
2019 providing rulemaking authority to the department and
2020 the boards; requiring the department to establish a
2021 medical marijuana use registry; specifying entities
2022 and persons who have access to the registry; providing
2023 requirements for registration of, and maintenance of
2024 registered status by, qualified patients and
2025 caregivers; authorizing the department to revoke the
2026 registration of a patient or caregiver under certain
2027 circumstances; providing requirements for the issuance
2028 of medical marijuana use registry identification
2029 cards; requiring the department to issue licenses to a
2030 certain number of medical marijuana treatment centers;
2031 providing for license renewal and revocation;
2032 providing for continuance of certain entities
2033 authorized to dispense low-THC cannabis, medical
2034 cannabis, and cannabis delivery devices; requiring a
2035 medical marijuana treatment center to comply with
2036 certain standards in the production and distribution
2037 of edible products containing marijuana; requiring
2038 background screening of owners, officers, board

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2039 members, and managers of medical marijuana treatment
2040 centers; requiring the department to establish,
2041 maintain, and control a computer seed-to-sale
2042 marijuana tracking system; requiring the department to
2043 establish protocols and procedures for operation,
2044 conduct periodic inspections, and restrict location of
2045 medical marijuana treatment centers; providing a limit
2046 on county and municipal permit fees; authorizing
2047 counties and municipalities to determine the location
2048 of medical marijuana treatment centers by ordinance
2049 under certain conditions; providing penalties;
2050 authorizing the department to impose sanctions on
2051 persons or entities engaging in unlicensed activities;
2052 providing that a person is not exempt from prosecution
2053 for certain offenses and is not relieved from certain
2054 requirements of law under certain circumstances;
2055 providing for certain school personnel to possess
2056 marijuana pursuant to certain established policies and
2057 procedures; providing that certain research
2058 institutions may possess, test, transport, and dispose
2059 of marijuana subject to certain conditions; providing
2060 applicability with respect to employer-instituted
2061 drug-free workplace programs; amending ss. 458.331 and
2062 459.015, F.S.; providing additional acts by a
2063 physician or an osteopathic physician which constitute

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2064 grounds for denial of a license or disciplinary action
2065 to which penalties apply; creating s. 381.988, F.S.;
2066 providing for the establishment of medical marijuana
2067 testing laboratories; requiring the Department of
2068 Health, in collaboration with the Department of
2069 Agriculture and Consumer Services and the Department
2070 of Environmental Protection, to develop certification
2071 standards and rules; creating s. 381.989, F.S.;
2072 directing the department and the Department of Highway
2073 Safety and Motor Vehicles to institute public
2074 education campaigns relating to cannabis and marijuana
2075 and impaired driving; requiring evaluations of public
2076 education campaigns; authorizing the department and
2077 the Department of Highway Safety and Motor Vehicles to
2078 contract with vendors to implement and evaluate the
2079 campaigns; amending ss. 385.211, 499.0295, and 893.02,
2080 F.S.; conforming provisions to changes made by the
2081 act; creating s. 1004.4351, F.S.; providing a short
2082 title; providing legislative findings; defining terms;
2083 establishing the Coalition for Medical Marijuana
2084 Research and Education within the H. Lee Moffitt
2085 Cancer Center and Research Institute, Inc.; providing
2086 a purpose for the coalition; establishing the Medical
2087 Marijuana Research and Education Board to direct the
2088 operations of the coalition; providing for the

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2089 appointment of board members; providing for terms of
2090 office, reimbursement for certain expenses, and
2091 meetings of the board; authorizing the board to
2092 appoint a coalition director; prescribing the duties
2093 of the coalition director; requiring the board to
2094 advise specified entities and officials regarding
2095 medical marijuana research and education in this
2096 state; requiring the board to annually adopt a Medical
2097 Marijuana Research and Education Plan; providing
2098 requirements for the plan; requiring the board to
2099 issue an annual report to the Governor and the
2100 Legislature by a specified date; requiring the
2101 Department of Health to submit reports to the board
2102 containing specified data; specifying responsibilities
2103 of the H. Lee Moffitt Cancer Center and Research
2104 Institute, Inc.; amending s. 1004.441, F.S.; revising
2105 a definition; amending s. 1006.062, F.S.; requiring
2106 district school boards to adopt policies and
2107 procedures for access to medical marijuana by
2108 qualified patients who are students; providing
2109 emergency rulemaking authority; providing for venue
2110 for a cause of action against the department;
2111 providing for defense against certain causes of
2112 action; directing the Department of Law Enforcement to
2113 develop training for law enforcement officers and

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2114 agencies; amending s. 385.212, F.S.; renaming the
2115 department's Office of Compassionate Use; providing
2116 appropriations; providing an effective date.

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