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LEGISLATIVE ACTION

Senate

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House

Floor: 3a/RE/2R

05/04/2017 09:23 PM

Senator Galvano moved the following:

Senate Amendment to Amendment (709986)

Delete lines 532 - 682

and insert:

a. One applicant that was a qualified dispensing organization applicant under former s. 381.986, Florida Statutes 2014; was the highest scoring applicant that was not awarded a license; and provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating, processing, and dispensing marijuana within 30 days after registration as a medical



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12 marijuana treatment center.

13 b. Any applicant that was a qualified dispensing
14 organization applicant under former s. 381.986, Florida Statutes
15 2014; was the highest scoring applicant in its region that was
16 not licensed as a dispensing organization under former s.
17 381.986, Florida Statutes 2014; had a final rank that was within
18 0.5 points of the highest scoring applicant in its region; and
19 provides documentation to the department that it has the
20 existing infrastructure and technical and technological ability
21 to begin cultivating, processing, and dispensing marijuana
22 within 30 days after registration as a medical marijuana
23 treatment center.

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

29 3. Within 6 months after the medical marijuana use registry
30 reaches a total of 75,000 active registered qualified patients
31 and upon each further instance of the total active registered
32 qualified patients increasing by 75,000, license five additional
33 medical marijuana treatment centers if a sufficient number of
34 medical marijuana treatment center applicants meet the
35 registration requirements of this section and department rule.

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



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41 of licenses, including initial application and biennial renewal
42 fees sufficient to cover the costs of administering this
43 licensure program. The department shall identify applicants with
44 strong diversity plans reflecting this state's commitment to
45 diversity and implement training programs and other educational
46 programs to enable minority persons and minority business
47 enterprises, as defined in s. 288.703, and veteran business
48 enterprises, as defined in s. 295.187, to compete for MMTC
49 registration and contracts. Subject to the requirements in
50 subparagraphs (a)2.-4., the department shall issue a license to
51 an applicant if the applicant meets the requirements of this
52 section and pays the initial application fee. The department
53 shall renew the licensure of a medical marijuana treatment
54 center biennially if the licensee meets the requirements of this
55 section and pays the biennial renewal fee. An individual may not
56 be an applicant, owner, officer, board member, or manager on
57 more than one application for licensure as a medical marijuana
58 treatment center. An individual or entity may not be awarded
59 more than one license as a medical marijuana treatment center.
60 An applicant for licensure as a medical marijuana treatment
61 center must:

62 1. Demonstrate that, for the 5 consecutive years before
63 submitting the application, the applicant has been registered to
64 do business in in the state.

65 2. Possess of a valid certificate of registration issued by
66 the Department of Agriculture and Consumer Services pursuant to
67 s. 581.131.

68 3. Demonstrate the technical and technological ability to
69 cultivate and produce marijuana, including, but not limited to,



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70 low-THC cannabis.

71 4. Demonstrate the ability to secure the premises,
72 resources, and personnel necessary to operate as a medical
73 marijuana treatment center.

74 5. Demonstrate the ability to maintain accountability of
75 all raw materials, finished products, and any byproducts to
76 prevent diversion or unlawful access to or possession of these
77 substances.

78 6. Have an infrastructure reasonably located to dispense
79 marijuana to registered qualified patients statewide or
80 regionally as determined by the department.

81 7. Demonstrate the financial ability to maintain operations
82 for the duration of the 2-year approval cycle, including the
83 provision of certified financial statements to the department.
84 Upon approval, the applicant must post a \$5 million performance
85 bond. However, a medical marijuana treatment center serving at
86 least 1,000 qualified patients is only required to maintain a \$2
87 million performance bond.

88 8. Demonstrate that all owners, officers, board members,
89 and managers have passed a background screening pursuant to
90 subsection (9).

91 9. Demonstrate the employment of a medical director to
92 supervise the activities of the medical marijuana treatment
93 center.

94 10. Submit a diversity plan that promotes and ensures the
95 involvement of minority persons and minority business
96 enterprises, as defined in s. 288.703, or veteran business
97 enterprises, as defined in s. 295.187, in ownership, management,
98 and employment. An applicant for licensure renewal must show the



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99 effectiveness of the diversity plan by including the following
100 with his or her application for renewal:

101 a. Representation of minority persons and veterans in the
102 MMTC's workforce;

103 b. Efforts to recruit minority persons and veterans for
104 employment; and

105 c. A record of contracts for services with minority
106 business enterprises and veteran business enterprises.

107 (c) A medical marijuana treatment center may not make a
108 wholesale purchase of marijuana from, or a distribution of
109 marijuana to, another medical marijuana treatment center unless
110 the medical marijuana treatment center seeking to make a
111 wholesale purchase of marijuana submits proof of harvest failure
112 to the department.

113 (d) The department shall establish, maintain, and control a
114 computer software tracking system that traces marijuana from
115 seed to sale and allows real-time, 24-hour access by the
116 department to data from all medical marijuana treatment centers
117 and marijuana testing laboratories. The tracking system must
118 allow for integration of other seed-to-sale systems and, at a
119 minimum, include notification of when marijuana seeds are
120 planted, when marijuana plants are harvested and destroyed, and
121 when marijuana is transported, sold, stolen, diverted, or lost.
122 Each medical marijuana treatment center shall use the seed-to-
123 sale tracking system established by the department or integrate
124 its own seed-to-sale tracking system with the seed-to-sale
125 tracking system established by the department. Each medical
126 marijuana treatment center may use its own seed-to-sale system
127 until the department establishes a seed-to-sale tracking system.



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128 The department may contract with a vendor to establish the seed-
129 to-sale tracking system. The vendor selected by the department
130 may not have a contractual relationship with the department to
131 perform any services pursuant to this section other than the
132 seed-to-sale tracking system. The vendor may not have a direct
133 or indirect financial interest in a medical marijuana treatment
134 center or a marijuana testing laboratory.

135 (e) A licensed medical marijuana treatment center shall
136 cultivate, process, transport, and dispense marijuana for
137 medical use. A licensed medical marijuana treatment center may
138 not contract for services directly related to the cultivation,
139 processing, and dispensing of marijuana or marijuana delivery
140 devices except that a medical marijuana treatment center
141 licensed pursuant to subparagraph (8) (a)1. may continue with and
142 may renew contracts that were executed prior to the effective
143 date of this act. A licensed medical marijuana treatment center
144 must, at all times, maintain compliance with the criteria
145 demonstrated and representations made in the initial application
146 and the criteria established in this subsection. Upon request,
147 the department may grant a medical marijuana treatment center a
148 variance from the representations made in the initial
149 application. Consideration of such a request shall be based upon
150 the individual facts and circumstances surrounding the request.
151 A variance may not be granted unless the requesting medical
152 marijuana treatment center can demonstrate to the department
153 that it has a proposed alternative to the specific
154 representation made in its application which fulfills the same
155 or a similar purpose as the specific representation in a way
156 that the department can reasonably determine will not be a lower



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157 standard than the specific representation in the application. A
158 variance may not be granted from the requirements in
159 subparagraph 2. and subparagraphs (b)1. and 2.

160 1. The department shall approve an MMTC's request for a
161 change in ownership, equity structure, or transfer of
162 registration to a new entity that meets the requirements in
163 paragraph (8) (b) if individuals seeking a 5 percent or greater
164 direct or indirect equity interest in the MMTC are fingerprinted
165 and have successfully passed a level 2 background screening
166 pursuant to s. 435.04. Individuals who seek or hold less than a
167 5 percent direct or indirect equity interest in the MMTC are not
168 required to be fingerprinted or pass the background check. A
169 request for a change in MMTC ownership, equity structure, or
170 transfer of registration is deemed approved if not denied by the
171 department within 15 days after receipt of the request. The
172 department shall adopt by rule a process which includes specific
173 criteria for the approval or denial of such requests.