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LEGISLATIVE ACTION

Senate	.	House
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Floor: 3/AE/2R	.	Floor: CA
05/04/2017 09:23 PM	.	05/05/2017 10:10 PM
	.	

Senator Bradley moved the following:

1 **Senate Substitute for Amendment (467840) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

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

10 381.986 Medical use of marijuana.—

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



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

16 (b) "Chronic nonmalignant pain" means pain that is caused
17 by a qualifying medical condition or that originates from a
18 qualifying medical condition and persists beyond the usual
19 course of that qualifying medical condition.

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

23 (d) "Edibles" means commercially produced food items made
24 with marijuana oil, but no other form of marijuana, which are
25 produced and dispensed by a medical marijuana treatment center.

26 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
27 the dried flowers of which contain 0.8 percent or less of
28 tetrahydrocannabinol and more than 10 percent of cannabidiol
29 weight for weight; the seeds thereof; the resin extracted from
30 any part of such plant; or any compound, manufacture, salt,
31 derivative, mixture, or preparation of the plant or its seeds or
32 resin which is dispensed from a medical marijuana treatment
33 center.

34 (f) "Marijuana" means all parts of any plant of the genus
35 *Cannabis*, whether growing or not; the seeds thereof; the resin
36 extracted from any part of the plant; or any compound,
37 manufacture, salt, derivative, mixture, or preparation of the
38 plant or its seeds or resin, including low-THC cannabis, which
39 is dispensed from a medical marijuana treatment center for
40 medical use by a qualified patient.



41 (g) "Marijuana delivery device" means an object that is
42 used, intended for use, or designed for use in preparing,
43 storing, ingesting, inhaling, or otherwise introducing marijuana
44 into the human body and that is dispensed from a medical
45 marijuana treatment center for medical use by a qualified
46 patient.

47 (h) "Marijuana testing laboratory" means a facility that
48 collects and analyzes marijuana samples from a medical marijuana
49 treatment center and has been certified by the department
50 pursuant to s. 381.988.

51 (i) "Medical director" means a person who holds an active,
52 unrestricted license as an allopathic physician under chapter
53 458 or osteopathic physician under chapter 459 and is in
54 compliance with the requirements of paragraph (3)(c).

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

58 1. Possession, use, or administration of marijuana that was
59 not purchased or acquired from a medical marijuana treatment
60 center.

61 2. Possession, use, or administration of marijuana in a
62 form for smoking, in the form of commercially produced food
63 items other than edibles, or of marijuana seeds or flower,
64 except for flower in a sealed receptacle for vaping.

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

68 4. Transfer of marijuana to a person other than the
69 qualified patient for whom it was authorized or the qualified



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70 patient's caregiver on behalf of the qualified patient.
71 5. Use or administration of marijuana in the following
72 locations:
73 a. On any form of public transportation, except for low-THC
74 cannabis.
75 b. In any public place, except for low-THC cannabis.
76 c. In a qualified patient's place of employment, except
77 when permitted by his or her employer.
78 d. In a state correctional institution, as defined in s.
79 944.02, or a correctional institution, as defined in s. 944.241.
80 e. On the grounds of a preschool, primary school, or
81 secondary school, except as provided in s. 1006.062.
82 f. In a school bus, a vehicle, an aircraft, or a motorboat,
83 except for low-THC cannabis.
84 (k) "Physician certification" means a qualified physician's
85 authorization for a qualified patient to receive marijuana and a
86 marijuana delivery device from a medical marijuana treatment
87 center.
88 (l) "Qualified patient" means a resident of this state who
89 has been added to the medical marijuana use registry by a
90 qualified physician to receive marijuana or a marijuana delivery
91 device for medical use and who has a qualified patient
92 identification card.
93 (m) "Qualified physician" means a person who holds an
94 active, unrestricted license as an allopathic physician under
95 chapter 458 or as an osteopathic physician under chapter 459 and
96 is in compliance with the physician education requirements of
97 subsection (3).
98 (n) "Smoking" means burning or igniting a substance and



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99 inhaling the smoke.

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

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

109 (a) Cancer.

110 (b) Epilepsy.

111 (c) Glaucoma.

112 (d) Positive status for human immunodeficiency virus.

113 (e) Acquired immune deficiency syndrome.

114 (f) Post-traumatic stress disorder.

115 (g) Amyotrophic lateral sclerosis.

116 (h) Crohn's disease.

117 (i) Parkinson's disease.

118 (j) Multiple sclerosis.

119 (k) A medical condition of the same kind or class as or
120 comparable to any of those enumerated in paragraphs (a)-(j).

121 (l) A terminal condition diagnosed by a physician other
122 than the qualified physician issuing the physician
123 certification.

124 (m) Chronic nonmalignant pain.

125 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

126 (a) To be approved as a qualified physician, a physician
127 must successfully complete a 2-hour course and subsequent



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128 examination offered by the Florida Medical Association or the
129 Florida Osteopathic Medical Association which encompass the
130 requirements of this section and any rules adopted under this
131 section. The course and examination shall be administered at
132 least annually and may be offered in a distance learning format,
133 including an electronic, online format that is available upon
134 request. The price of the course may not exceed \$500. A
135 physician who has met the physician education requirements of
136 former s. 381.986(4), Florida Statutes 2016, before the
137 effective date of this section shall be deemed to be in
138 compliance with this paragraph from the effective date of this
139 act until 90 days after the course and examination required by
140 this paragraph become available.

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

144 (c) A medical director must successfully complete a 2-hour
145 course and subsequent examination offered by the Florida Medical
146 Association or the Florida Osteopathic Medical Association which
147 encompass the requirements of this section and any rules adopted
148 under this section. The course and examination shall be
149 administered at least annually and may be offered in a distance
150 learning format, including an electronic, online format that is
151 available upon request. The price of the course may not exceed
152 \$500.

153 (4) PHYSICIAN CERTIFICATION.—

154 (a) A qualified physician may issue a physician
155 certification only if the qualified physician:

156 1. Conducted a physical examination while physically



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157 present in the same room as the patient and a full assessment of
158 the medical history of the patient.

159 2. Diagnosed the patient with at least one qualifying
160 medical condition.

161 3. Determined that the medical use of marijuana would
162 likely outweigh the potential health risks for the patient, and
163 such determination must be documented in the patient's medical
164 record. If a patient is younger than 18 years of age, a second
165 physician must concur with this determination, and such
166 concurrence must be documented in the patient's medical record.

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

171 5. Reviewed the patient's controlled drug prescription
172 history in the prescription drug monitoring program database
173 established pursuant to s. 893.055.

174 6. Reviewed the medical marijuana use registry and
175 confirmed that the patient does not have an active physician
176 certification from another qualified physician.

177 7. Registers as the issuer of the physician certification
178 for the named qualified patient on the medical marijuana use
179 registry in an electronic manner determined by the department,
180 and:

181 a. Enters into the registry the contents of the physician
182 certification, including the patient's qualifying condition and
183 the dosage not to exceed the daily dose amount determined by the
184 department, the amount and forms of marijuana authorized for the
185 patient, and any types of marijuana delivery devices needed by



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186 the patient for the medical use of marijuana;
187 b. Updates the registry within 7 days after any change is
188 made to the original physician certification to reflect such
189 change; and
190 c. Deactivates the registration of the qualified patient
191 and the patient's caregiver when the physician no longer
192 recommends the medical use of marijuana for the patient.
193 8. Obtains the voluntary and informed written consent of
194 the patient for medical use of marijuana each time the qualified
195 physician issues a physician certification for the patient,
196 which shall be maintained in the patient's medical record. The
197 patient, or the patient's parent or legal guardian if the
198 patient is a minor, must sign the informed consent acknowledging
199 that the qualified physician has sufficiently explained its
200 content. The qualified physician must use a standardized
201 informed consent form adopted in rule by the Board of Medicine
202 and the Board of Osteopathic Medicine, which must include, at a
203 minimum, information related to:
204 a. The Federal Government's classification of marijuana as
205 a Schedule I controlled substance.
206 b. The approval and oversight status of marijuana by the
207 Food and Drug Administration.
208 c. The current state of research on the efficacy of
209 marijuana to treat the qualifying conditions set forth in this
210 section.
211 d. The potential for addiction.
212 e. The potential effect that marijuana may have on a
213 patient's coordination, motor skills, and cognition, including a
214 warning against operating heavy machinery, operating a motor



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215 vehicle, or engaging in activities that require a person to be
216 alert or respond quickly.

217 f. The potential side effects of marijuana use.

218 g. The risks, benefits, and drug interactions of marijuana.

219 h. That the patient's de-identified health information
220 contained in the physician certification and medical marijuana
221 use registry may be used for research purposes.

222 (b) If a qualified physician issues a physician
223 certification for a qualified patient diagnosed with a
224 qualifying medical condition as described in paragraph (2)(k),
225 the physician must submit the following to the applicable board
226 within 14 days after issuing the physician certification:

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

230 2. Documentation that establishes the efficacy of marijuana
231 as treatment for the condition.

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

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

236

237 The department must submit such documentation to the Coalition
238 for Medical Marijuana Research and Education established
239 pursuant to s. 1004.4351.

240 (c) A qualified physician may not issue a physician
241 certification for more than three 70-day supply limits of
242 marijuana. The department shall quantify by rule a daily dose
243 amount with equivalent dose amounts for each allowable form of



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244 marijuana dispensed by a medical marijuana treatment center. The
245 department shall use the daily dose amount to calculate a 70-day
246 supply.

247 1. A qualified physician may request an exception to the
248 daily dose amount limit. The request shall be made
249 electronically on a form adopted by the department in rule and
250 must include, at a minimum:

251 a. The qualified patient's qualifying medical condition.

252 b. The dosage and route of administration which were
253 insufficient to provide relief to the qualified patient.

254 c. A description of how the patient will benefit from an
255 increased amount.

256 d. The minimum daily dose amount of marijuana that would be
257 sufficient for the treatment of the qualified patient's
258 qualifying medical condition.

259 2. A qualified physician must provide the qualified
260 patient's records upon the request of the department.

261 3. The department shall approve or disapprove the request
262 within 14 days after receipt of the complete documentation
263 required by this paragraph. The request shall be deemed approved
264 if the department fails to act within this time period.

265 (d) A qualified physician must evaluate and recertify an
266 existing qualified patient at least once every 30 weeks prior to
267 issuing a new physician certification. A physician must:

268 1. Determine if the patient still meets the requirements of
269 a qualified patient under paragraph (a).

270 2. Identify and document in the qualified patient's medical
271 records whether the qualified patient experienced either of the
272 following related to the medical use of marijuana:



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273 a. An adverse drug interaction with any prescription or
274 nonprescription medication; or
275 b. A reduction in the use of opioid analgesics.
276 3. Submit a report with the findings required pursuant to
277 subparagraph 2. to the department. The department shall submit
278 such reports to the Coalition for Medical Marijuana Research and
279 Education established pursuant to s. 1004.4351.
280 (e) An active order for low-THC cannabis or medical
281 cannabis issued pursuant to former s. 381.986, Florida Statutes
282 2016, and registered with the compassionate use registry before
283 the effective date of this section, is deemed a physician
284 certification, and all patients possessing such orders are
285 deemed qualified patients until the department begins issuing
286 medical marijuana use registry identification cards.
287 (f) The department shall monitor physician registration in
288 the medical marijuana use registry and the issuance of physician
289 certifications for practices that could facilitate unlawful
290 diversion or misuse of marijuana or a marijuana delivery device
291 and shall take disciplinary action as appropriate.
292 (g) The Board of Medicine and the Board of Osteopathic
293 Medicine shall jointly create a physician certification pattern
294 review panel that shall review all physician certifications
295 submitted to the medical marijuana use registry. The panel shall
296 track and report the number of physician certifications and the
297 qualifying medical conditions, dosage, supply amount, and forms
298 of marijuana certified. The panel shall report the data both by
299 individual qualified physician and in the aggregate, by county,
300 and statewide. The physician certification pattern review panel
301 shall, beginning January 1, 2018, submit an annual report of its



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302 findings and recommendations to the Governor, the President of
303 the Senate, and the Speaker of the House of Representatives.

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

307 (5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

327 1. An adult resident must provide the department with a
328 copy of his or her valid Florida driver license issued under s.
329 322.18 or a copy of a valid Florida identification card issued
330 under s. 322.051.



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331 2. An adult seasonal resident who cannot meet the
332 requirements of subparagraph 1. may provide the department with
333 a copy of two of the following that show proof of residential
334 address:

335 a. A deed, mortgage, monthly mortgage statement, mortgage
336 payment booklet, or residential rental or lease agreement.

337 b. One proof of residential address from the seasonal
338 resident's parent, stepparent, legal guardian, or other person
339 with whom the seasonal resident resides and a statement from the
340 person with whom the seasonal resident resides stating that the
341 seasonal resident does reside with him or her.

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

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

345 e. Mail from a financial institution, including checking,
346 savings, or investment account statements, not more than 2
347 months old.

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

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

352
353 As used in this subparagraph, the term "seasonal resident" means
354 any person who temporarily resides in this state for a period of
355 at least 31 consecutive days in each calendar year, maintains a
356 temporary residence in this state, returns to the state or
357 jurisdiction of his or her residence at least one time during
358 each calendar year, and is registered to vote or pays income tax
359 in another state or jurisdiction.



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360 3. A minor must provide the department with a certified
361 copy of a birth certificate or a current record of registration
362 from a Florida K-12 school and must have a parent or legal
363 guardian who meets the requirements of subparagraph 1.

364 (c) The department may suspend or revoke the registration
365 of a qualified patient or caregiver if the qualified patient or
366 caregiver:

367 1. Provides misleading, incorrect, false, or fraudulent
368 information to the department;

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

371 3. Falsifies, alters, or otherwise modifies an
372 identification card;

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

375 5. Violates the requirements of this section or any rule
376 adopted under this section.

377 (d) The department shall immediately suspend the
378 registration of a qualified patient charged with a violation of
379 chapter 893 until final disposition of any alleged offense.
380 Thereafter, the department may extend the suspension, revoke the
381 registration, or reinstate the registration.

382 (e) The department shall immediately suspend the
383 registration of any caregiver charged with a violation of
384 chapter 893 until final disposition of any alleged offense. The
385 department shall revoke a caregiver registration if the
386 caregiver does not meet the requirements of subparagraph

387 (6) (b) 6.

388 (f) The department may revoke the registration of a



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389 qualified patient or caregiver who cultivates marijuana or who
390 acquires, possesses, or delivers marijuana from any person or
391 entity other than a medical marijuana treatment center.

392 (g) The department shall revoke the registration of a
393 qualified patient, and the patient's associated caregiver, upon
394 notification that the patient no longer meets the criteria of a
395 qualified patient.

396 (h) The department may adopt rules pursuant to ss.
397 120.536(1) and 120.54 to implement this subsection.

398 (6) CAREGIVERS.—

399 (a) The department must register an individual as a
400 caregiver on the medical marijuana use registry and issue a
401 caregiver identification card if an individual designated by a
402 qualified patient meets all of the requirements of this
403 subsection and department rule.

404 (b) A caregiver must:

405 1. Not be a qualified physician and not be employed by or
406 have an economic interest in a medical marijuana treatment
407 center or a marijuana testing laboratory.

408 2. Be 21 years of age or older and a resident of this
409 state.

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

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

415 5. Successfully complete a caregiver certification course
416 developed and administered by the department or its designee,
417 which must be renewed biennially. The price of the course may



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418 not exceed \$100.

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

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

424 1. The qualified patient is a minor and the designated
425 caregivers are parents or legal guardians of the qualified
426 patient;

427 2. The qualified patient is an adult who has an
428 intellectual or developmental disability that prevents the
429 patient from being able to protect or care for himself or
430 herself without assistance or supervision and the designated
431 caregivers are the parents or legal guardians of the qualified
432 patient; or

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

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

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

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

444 3. All qualified patients the caregiver has agreed to
445 assist are admitted to a hospice program and have requested the
446 assistance of that caregiver with the medical use of marijuana;



447 the caregiver is an employee of the hospice; and the caregiver
448 provides personal care or other services directly to clients of
449 the hospice in the scope of that employment.

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

453 (f) If a qualified patient is younger than 18 years of age,
454 only a caregiver may purchase or administer marijuana for
455 medical use by the qualified patient. The qualified patient may
456 not purchase marijuana.

457 (g) A caregiver must be in immediate possession of his or
458 her medical marijuana use registry identification card at all
459 times when in possession of marijuana or a marijuana delivery
460 device and must present his or her medical marijuana use
461 registry identification card upon the request of a law
462 enforcement officer.

463 (h) The department may adopt rules pursuant to ss.
464 120.536(1) and 120.54 to implement this subsection.

465 (7) IDENTIFICATION CARDS.—

466 (a) The department shall issue physical or electronic
467 medical marijuana use registry identification cards for
468 qualified patients and caregivers who are residents of this
469 state, which must be renewed annually. The department may charge
470 a reasonable fee associated with the issuance and renewal of
471 identification cards. The fee may not exceed \$75. Of each
472 issuance or renewal fee, the department shall allocate \$10 to
473 the Division of Research at Florida Agricultural and Mechanical
474 University for the purpose of educating minorities about
475 marijuana for medical use and the impact of the unlawful use of



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476 marijuana on minority communities. The identification cards must
477 be resistant to counterfeiting and tampering and must include,
478 at a minimum, the following:

479 1. The name, address, and date of birth of the qualified
480 patient or caregiver.

481 2. A full-face, passport-type, color photograph of the
482 qualified patient or caregiver taken within the 90 days
483 immediately preceding registration or the Florida driver license
484 or Florida identification card photograph of the qualified
485 patient or caregiver obtained directly from the Department of
486 Highway Safety and Motor Vehicles.

487 3. Designation of the cardholder as a qualified patient or
488 a caregiver.

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

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

494 6. The expiration date of the identification card.

495 (b) Electronic identification cards must comply with the
496 Health Insurance Portability and Accountability Act (HIPAA) as
497 it pertains to protected health information and all other
498 relevant state and federal privacy and security laws and
499 regulations. Such electronic cards must:

500 1. Contain the technology to automatically expire and be
501 remotely terminated by the department;

502 2. Collect timestamped, geotagged data to be uploaded in
503 real time into the compassionate use registry; and

504 3. Maintain compatibility with smartphone and web-based



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505 platforms.

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

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

515 (e) Applications for identification cards must be submitted
516 on a form prescribed by the department. The department may
517 charge a reasonable fee associated with the issuance,
518 replacement, and renewal of identification cards. The department
519 may contract with a third-party vendor to issue identification
520 cards. The vendor selected by the department must have
521 experience performing similar functions for other state
522 agencies.

523 (f) A qualified patient or caregiver must return his or her
524 identification card to the department within 5 business days
525 after revocation.

526 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

532 1. The department shall license as a medical marijuana
533 treatment center any entity that holds an active, unrestricted



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

546 2. As soon as practicable, but no later than October 1,
547 2017, the department shall license as medical marijuana
548 treatment centers 10 applicants that meet the requirements of
549 this section, except as provided in sub-subparagraph c.,
550 including:

551 a. One applicant that was a qualified dispensing
552 organization applicant under former s. 381.986, Florida Statutes
553 2014; was the highest scoring applicant that was not awarded a
554 license; and provides documentation to the department that it
555 has the existing infrastructure and technical and technological
556 ability to begin cultivating, processing, and dispensing
557 marijuana within 30 days after registration as a medical
558 marijuana treatment center.

559 b. Any applicant that was a qualified dispensing
560 organization applicant under former s. 381.986, Florida Statutes
561 2014; was the highest scoring applicant in its region that was
562 not licensed as a dispensing organization under former s.



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563 381.986, Florida Statutes 2014; had a final rank that was within
564 0.5 points of the highest scoring applicant in its region; and
565 provides documentation to the department that it has the
566 existing infrastructure and technical and technological ability
567 to begin cultivating, processing, and dispensing marijuana
568 within 30 days after registration as a medical marijuana
569 treatment center.

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

575 3. Within 6 months after the medical marijuana use registry
576 reaches a total of 75,000 active registered qualified patients
577 and upon each further instance of the total active registered
578 qualified patients increasing by 75,000, license five additional
579 medical marijuana treatment centers if a sufficient number of
580 medical marijuana treatment center applicants meet the
581 registration requirements of this section and department rule.

582 (b) An applicant for licensure as a medical marijuana
583 treatment center shall apply to the department on a form
584 prescribed by the department and adopted in rule. The department
585 shall adopt rules pursuant to ss. 120.536(1) and 120.54
586 establishing a procedure for the issuance and biennial renewal
587 of licenses, including initial application and biennial renewal
588 fees sufficient to cover the costs of administering this
589 licensure program. The department shall identify applicants with
590 strong diversity plans reflecting this state's commitment to
591 diversity and implement training programs and other educational



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592 programs to enable minority persons and minority business
593 enterprises, as defined in s. 288.703, and veteran business
594 enterprises, as defined in s. 295.187, to compete for MMTC
595 registration and contracts. Subject to the requirements in
596 subparagraphs (a)2.-4., the department shall issue a license to
597 an applicant if the applicant meets the requirements of this
598 section and pays the initial application fee. The department
599 shall renew the licensure of a medical marijuana treatment
600 center biennially if the licensee meets the requirements of this
601 section and pays the biennial renewal fee. An individual may not
602 be an applicant, owner, officer, board member, or manager on
603 more than one application for licensure as a medical marijuana
604 treatment center. An individual or entity may not be awarded
605 more than one license as a medical marijuana treatment center.
606 An applicant for licensure as a medical marijuana treatment
607 center must:

608 1. Demonstrate that, for the 5 consecutive years before
609 submitting the application, the applicant has been registered to
610 do business in the state.

611 2. Possess of a valid certificate of registration issued by
612 the Department of Agriculture and Consumer Services pursuant to
613 s. 581.131.

614 3. Demonstrate the technical and technological ability to
615 cultivate and produce marijuana, including, but not limited to,
616 low-THC cannabis.

617 4. Demonstrate the ability to secure the premises,
618 resources, and personnel necessary to operate as a medical
619 marijuana treatment center.

620 5. Demonstrate the ability to maintain accountability of



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621 all raw materials, finished products, and any byproducts to
622 prevent diversion or unlawful access to or possession of these
623 substances.

624 6. Have an infrastructure reasonably located to dispense
625 marijuana to registered qualified patients statewide or
626 regionally as determined by the department.

627 7. Demonstrate the financial ability to maintain operations
628 for the duration of the 2-year approval cycle, including the
629 provision of certified financial statements to the department.
630 Upon approval, the applicant must post a \$5 million performance
631 bond. However, a medical marijuana treatment center serving at
632 least 1,000 qualified patients is only required to maintain a \$2
633 million performance bond.

634 8. Demonstrate that all owners, officers, board members,
635 and managers have passed a background screening pursuant to
636 subsection (9).

637 9. Demonstrate the employment of a medical director to
638 supervise the activities of the medical marijuana treatment
639 center.

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

647 a. Representation of minority persons and veterans in the
648 MMTC's workforce;

649 b. Efforts to recruit minority persons and veterans for



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650 employment; and
651 c. A record of contracts for services with minority
652 business enterprises and veteran business enterprises.
653 (c) A medical marijuana treatment center may not make a
654 wholesale purchase of marijuana from, or a distribution of
655 marijuana to, another medical marijuana treatment center unless
656 the medical marijuana treatment center seeking to make a
657 wholesale purchase of marijuana submits proof of harvest failure
658 to the department.
659 (d) The department shall establish, maintain, and control a
660 computer software tracking system that traces marijuana from
661 seed to sale and allows real-time, 24-hour access by the
662 department to data from all medical marijuana treatment centers
663 and marijuana testing laboratories. The tracking system must
664 allow for integration of other seed-to-sale systems and, at a
665 minimum, include notification of when marijuana seeds are
666 planted, when marijuana plants are harvested and destroyed, and
667 when marijuana is transported, sold, stolen, diverted, or lost.
668 Each medical marijuana treatment center shall use the seed-to-
669 sale tracking system established by the department or integrate
670 its own seed-to-sale tracking system with the seed-to-sale
671 tracking system established by the department. Each medical
672 marijuana treatment center may use its own seed-to-sale system
673 until the department establishes a seed-to-sale tracking system.
674 The department may contract with a vendor to establish the seed-
675 to-sale tracking system. The vendor selected by the department
676 may not have a contractual relationship with the department to
677 perform any services pursuant to this section other than the
678 seed-to-sale tracking system. The vendor may not have a direct



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679 or indirect financial interest in a medical marijuana treatment
680 center or a marijuana testing laboratory.

681 (e) A licensed medical marijuana treatment center shall
682 cultivate, process, transport, and dispense marijuana for
683 medical use. A licensed medical marijuana treatment center may
684 not contract for services directly related to the cultivation,
685 processing, and dispensing of marijuana or marijuana delivery
686 devices except that a medical marijuana treatment center
687 licensed pursuant to subparagraph (8) (a)1. may continue with and
688 may renew contracts that were executed prior to the effective
689 date of this act. A licensed medical marijuana treatment center
690 must, at all times, maintain compliance with the criteria
691 demonstrated and representations made in the initial application
692 and the criteria established in this subsection. Upon request,
693 the department may grant a medical marijuana treatment center a
694 variance from the representations made in the initial
695 application. Consideration of such a request shall be based upon
696 the individual facts and circumstances surrounding the request.
697 A variance may not be granted unless the requesting medical
698 marijuana treatment center can demonstrate to the department
699 that it has a proposed alternative to the specific
700 representation made in its application which fulfills the same
701 or a similar purpose as the specific representation in a way
702 that the department can reasonably determine will not be a lower
703 standard than the specific representation in the application. A
704 variance may not be granted from the requirements in
705 subparagraph 2. and subparagraphs (b)1. and 2.

706 1. The department shall approve an MMTC's request for a
707 change in ownership, equity structure, or transfer of



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708 registration to a new entity that meets the requirements in
709 paragraph (8) (b) if individuals seeking a 5 percent or greater
710 direct or indirect equity interest in the MMTC are fingerprinted
711 and have successfully passed a level 2 background screening
712 pursuant to s. 435.04. Individuals who seek or hold less than a
713 5 percent direct or indirect equity interest in the MMTC are not
714 required to be fingerprinted or pass the background check. A
715 request for a change in MMTC ownership, equity structure, or
716 transfer of registration is deemed approved if not denied by the
717 department within 15 days after receipt of the request. The
718 department shall adopt by rule a process which includes specific
719 criteria for the approval or denial of such requests.

720 2. A medical marijuana treatment center, and any individual
721 or entity who directly or indirectly owns, controls, or holds
722 with power to vote 5 percent or more of the voting shares of a
723 medical marijuana treatment center, may not acquire direct or
724 indirect ownership or control of any voting shares or other form
725 of ownership of any other medical marijuana treatment center.

726 3. All employees of a medical marijuana treatment center
727 must be 21 years of age or older and have passed a background
728 screening pursuant to subsection (9).

729 4. Each medical marijuana treatment center must adopt and
730 enforce policies and procedures to ensure employees and
731 volunteers receive training on the legal requirements to
732 dispense marijuana to qualified patients.

733 5. When growing marijuana, a medical marijuana treatment
734 center:

735 a. May use pesticides determined by the department, after
736 consultation with the Department of Agriculture and Consumer



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737 Services, to be safely applied to plants intended for human
738 consumption, but may not use pesticides designated as
739 restricted-use pesticides pursuant to s. 487.042.

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

742 c. Must inspect seeds and growing plants for plant pests
743 that endanger or threaten the horticultural and agricultural
744 interests of the state in accordance with chapter 581 and any
745 rules adopted thereunder.

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

749 6. Each medical marijuana treatment center must produce and
750 make available for purchase at least one low-THC cannabis
751 product.

752 7. A medical marijuana treatment center that produces
753 edibles must hold a permit to operate as a food establishment
754 pursuant to chapter 500, the Florida Food Safety Act, and must
755 comply with all the requirements for food establishments
756 pursuant to chapter 500 and any rules adopted thereunder.

757 Edibles may not contain more than 200 milligrams of
758 tetrahydrocannabinol and a single serving portion of an edible
759 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
760 may have a potency variance of no greater than 15 percent.

761 Edibles may not be attractive to children; be manufactured in
762 the shape of humans, cartoons, or animals; be manufactured in a
763 form that bears any reasonable resemblance to products available
764 for consumption as commercially available candy; or contain any
765 color additives. To discourage consumption of edibles by



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766 children, the department shall determine by rule any shapes,
767 forms, and ingredients allowed and prohibited for edibles.
768 Medical marijuana treatment centers may not begin processing or
769 dispensing edibles until after the effective date of the rule.
770 The department shall also adopt sanitation rules providing the
771 standards and requirements for the storage, display, or
772 dispensing of edibles.

773 8. When processing marijuana, a medical marijuana treatment
774 center must:

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

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

779 c. Test the processed marijuana using a medical marijuana
780 testing laboratory before it is dispensed. Results must be
781 verified and signed by two medical marijuana treatment center
782 employees. Before dispensing, the medical marijuana treatment
783 center must determine that the test results indicate that low-
784 THC cannabis meets the definition of low-THC cannabis, the
785 concentration of tetrahydrocannabinol meets the potency
786 requirements of this section, the labeling of the concentration
787 of tetrahydrocannabinol and cannabidiol is accurate, and all
788 marijuana is safe for human consumption and free from
789 contaminants that are unsafe for human consumption. The
790 department shall determine by rule which contaminants must be
791 tested for and the maximum levels of each contaminant which are
792 safe for human consumption. The Department of Agriculture and
793 Consumer Services shall assist the department in developing the
794 testing requirements for contaminants that are unsafe for human



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795 consumption in edibles. The department shall also determine by
796 rule the procedures for the treatment of marijuana that fails to
797 meet the testing requirements of this section, s. 381.988, or
798 department rule. The department may select a random sample from
799 edibles available for purchase in a dispensing facility that
800 shall be tested by the department to determine that the edible
801 meets the potency requirements of this section, is safe for
802 human consumption, and the labeling of the tetrahydrocannabinol
803 and cannabidiol concentration is accurate. A medical marijuana
804 treatment center may not require payment from the department for
805 the sample. A medical marijuana treatment center must recall
806 edibles, including all edibles made from the same batch of
807 marijuana, which fail to meet the potency requirements of this
808 section, which are unsafe for human consumption, or for which
809 the labeling of the tetrahydrocannabinol and cannabidiol
810 concentration is inaccurate. The medical marijuana treatment
811 center must retain records of all testing and samples of each
812 homogenous batch of marijuana for at least 9 months. The medical
813 marijuana treatment center must contract with a marijuana
814 testing laboratory to perform audits on the medical marijuana
815 treatment center's standard operating procedures, testing
816 records, and samples and provide the results to the department
817 to confirm that the marijuana or low-THC cannabis meets the
818 requirements of this section and that the marijuana or low-THC
819 cannabis is safe for human consumption. A medical marijuana
820 treatment center shall reserve two processed samples from each
821 batch and retain such samples for at least 9 months for the
822 purpose such audits. A medical marijuana treatment center may
823 use a laboratory that has not been certified by the department



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824 under s. 381.988 until such time as at least one laboratory
825 holds the required certification, but in no event later than
826 July 1, 2018.

827 d. Package the marijuana in compliance with the United
828 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
829 1471 et seq.

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

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

834 (II) The name of the medical marijuana treatment center
835 from which the marijuana originates.

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

838 (IV) The name of the physician who issued the physician
839 certification.

840 (V) The name of the patient.

841 (VI) The product name, if applicable, and dosage form,
842 including concentration of tetrahydrocannabinol and cannabidiol.

843 The product name may not contain wording commonly associated
844 with products marketed by or to children.

845 (VII) The recommended dose.

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

848 (IX) A marijuana universal symbol developed by the
849 department.

850 9. The medical marijuana treatment center shall include in
851 each package a patient package insert with information on the
852 specific product dispensed related to:



- 853 a. Clinical pharmacology.
- 854 b. Indications and use.
- 855 c. Dosage and administration.
- 856 d. Dosage forms and strengths.
- 857 e. Contraindications.
- 858 f. Warnings and precautions.
- 859 g. Adverse reactions.
- 860 10. Each edible shall be individually sealed in plain,
- 861 opaque wrapping marked only with the marijuana universal symbol.
- 862 Where practical, each edible shall be marked with the marijuana
- 863 universal symbol. In addition to the packaging and labeling
- 864 requirements in subparagraphs 8. and 9., edible receptacles must
- 865 be plain, opaque, and white without depictions of the product or
- 866 images other than the medical marijuana treatment center's
- 867 department-approved logo and the marijuana universal symbol. The
- 868 receptacle must also include a list all of the edible's
- 869 ingredients, storage instructions, an expiration date, a legible
- 870 and prominent warning to keep away from children and pets, and a
- 871 warning that the edible has not been produced or inspected
- 872 pursuant to federal food safety laws.
- 873 11. A medical marijuana treatment center may not establish
- 874 or operate more than five dispensing facilities, unless the
- 875 medical marijuana use registry reaches a total of 75,000 active
- 876 registered qualified patients, and then, upon each further
- 877 instance of the total active registered qualified patients
- 878 increasing by 75,000, each medical marijuana treatment center
- 879 licensed by the department at that time may establish and
- 880 operate one additional dispensing facility. When dispensing
- 881 marijuana or a marijuana delivery device, a medical marijuana



882 treatment center:

883 a. May dispense any active, valid order for low-THC
884 cannabis, medical cannabis and cannabis delivery devices issued
885 pursuant to former s. 381.986, Florida Statutes 2016, which was
886 entered into the medical marijuana use registry before July 1,
887 2017.

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

890 c. Must have the medical marijuana treatment center's
891 employee who dispenses the marijuana or a marijuana delivery
892 device enter into the medical marijuana use registry his or her
893 name or unique employee identifier.

894 d. Must verify that the qualified patient and the
895 caregiver, if applicable, each has an active registration in the
896 medical marijuana use registry and an active and valid medical
897 marijuana use registry identification card, the amount and type
898 of marijuana dispensed matches the physician's certification in
899 the medical marijuana use registry for that qualified patient,
900 and the physician certification has not already been filled.

901 e. May not dispense marijuana to a qualified patient who is
902 younger than 18 years of age. If the qualified patient is
903 younger than 18 years of age, marijuana may only be dispensed to
904 the qualified patient's caregiver.

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

910 g. Must, upon dispensing the marijuana or marijuana



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911 delivery device, record in the registry the date, time,
912 quantity, and form of marijuana dispensed; the type of marijuana
913 delivery device dispensed; and the name and medical marijuana
914 use registry identification number of the qualified patient or
915 caregiver to whom the marijuana delivery device was dispensed.

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

919 (f) To ensure the safety and security of premises where the
920 cultivation, processing, storing, or dispensing of marijuana
921 occurs, and to maintain adequate controls against the diversion,
922 theft, and loss of marijuana or marijuana delivery devices, a
923 medical marijuana treatment center shall:

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

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

930 (I) Cameras are fixed in a place that allows for the clear
931 identification of persons and activities in controlled areas of
932 the premises. Controlled areas include grow rooms, processing
933 rooms, storage rooms, disposal rooms or areas, and point-of-sale
934 rooms.

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

938 (III) Recorded images must clearly and accurately display
939 the time and date.



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- 940 (IV) Retain video surveillance recordings for at least 45
941 days or longer upon the request of a law enforcement agency.
- 942 2. Ensure that the medical marijuana treatment center's
943 outdoor premises have sufficient lighting from dusk until dawn.
- 944 3. Ensure that the indoor premises where dispensing occurs
945 includes a waiting area with sufficient space and seating to
946 accommodate qualified patients and caregivers and at least one
947 private consultation area that is isolated from the waiting area
948 and area where dispensing occurs. A medical marijuana treatment
949 center may not display products or dispense marijuana or
950 marijuana delivery devices in the waiting area.
- 951 4. Not dispense from its premises marijuana or a marijuana
952 delivery device between the hours of 9 p.m. and 7 a.m., but may
953 perform all other operations and deliver marijuana to qualified
954 patients 24 hours a day.
- 955 5. Store marijuana in a secured, locked room or a vault.
- 956 6. Require at least two of its employees, or two employees
957 of a security agency with whom it contracts, to be on the
958 premises at all times where cultivation, processing, or storing
959 of marijuana occurs.
- 960 7. Require each employee or contractor to wear a photo
961 identification badge at all times while on the premises.
- 962 8. Require each visitor to wear a visitor pass at all times
963 while on the premises.
- 964 9. Implement an alcohol and drug-free workplace policy.
- 965 10. Report to local law enforcement within 24 hours after
966 the medical marijuana treatment center is notified or becomes
967 aware of the theft, diversion, or loss of marijuana.
- 968 (g) To ensure the safe transport of marijuana and marijuana



969 delivery devices to medical marijuana treatment centers,
970 marijuana testing laboratories, or qualified patients, a medical
971 marijuana treatment center must:

972 1. Maintain a marijuana transportation manifest in any
973 vehicle transporting marijuana. The marijuana transportation
974 manifest must be generated from a medical marijuana treatment
975 center's seed-to-sale tracking system and include the:

976 a. Departure date and approximate time of departure.

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

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

980 d. Quantity and form of any marijuana or marijuana delivery
981 device being transported.

982 e. Arrival date and estimated time of arrival.

983 f. Delivery vehicle make and model and license plate
984 number.

985 g. Name and signature of the medical marijuana treatment
986 center employees delivering the product.

987 (I) A copy of the marijuana transportation manifest must be
988 provided to each individual, medical marijuana treatment center,
989 or marijuana testing laboratory that receives a delivery. The
990 individual, or a representative of the center or laboratory,
991 must sign a copy of the marijuana transportation manifest
992 acknowledging receipt.

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

997 (III) Medical marijuana treatment centers and marijuana



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998 testing laboratories must retain copies of all marijuana
999 transportation manifests for at least 3 years.

1000 2. Ensure only vehicles in good working order are used to
1001 transport marijuana.

1002 3. Lock marijuana and marijuana delivery devices in a
1003 separate compartment or container within the vehicle.

1004 4. Require employees to have possession of their employee
1005 identification cards at all times when transporting marijuana or
1006 marijuana delivery devices.

1007 5. Provide specific safety and security training to
1008 employees transporting or delivering marijuana and marijuana
1009 delivery devices.

1010 (h) A medical marijuana treatment center may not engage in
1011 advertising that is visible to members of the public from any
1012 street, sidewalk, park, or other public place, except:

1013 1. The dispensing location of a medical marijuana treatment
1014 center may have a sign that is affixed to the outside or hanging
1015 in the window of the premises which identifies the dispensary by
1016 the licensee's business name, a department-approved trade name,
1017 or a department-approved logo. A medical marijuana treatment
1018 center's trade name and logo may not contain wording or images
1019 commonly associated with marketing targeted toward children or
1020 which promote recreational use of marijuana.

1021 2. A medical marijuana treatment center may engage in
1022 Internet advertising and marketing under the following
1023 conditions:

1024 a. All advertisements must be approved by the department.
1025 b. An advertisement may not have any content that
1026 specifically targets individuals under the age of 18, including



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1027 cartoon characters or similar images.
1028 c. An advertisement may not be an unsolicited pop-up
1029 advertisement.
1030 d. Opt-in marketing must include an easy and permanent opt-
1031 out feature.
1032 (i) Each medical marijuana treatment center that dispenses
1033 marijuana and marijuana delivery devices shall make available to
1034 the public on its website:
1035 1. Each marijuana and low-THC product available for
1036 purchase, including the form, strain of marijuana from which it
1037 was extracted, cannabidiol content, tetrahydrocannabinol
1038 content, dose unit, total number of doses available, and the
1039 ratio of cannabidiol to tetrahydrocannabinol for each product.
1040 2. The price for a 30-day, 50-day, and 70-day supply at a
1041 standard dose for each marijuana and low-THC product available
1042 for purchase.
1043 3. The price for each marijuana delivery device available
1044 for purchase.
1045 4. If applicable, any discount policies and eligibility
1046 criteria for such discounts.
1047 (j) Medical marijuana treatment centers are the sole source
1048 from which a qualified patient may legally obtain marijuana.
1049 (k) The department may adopt rules pursuant to ss.
1050 120.536(1) and 120.54 to implement this subsection.
1051 (9) BACKGROUND SCREENING.—An individual required to undergo
1052 a background screening pursuant to this section must pass a
1053 level 2 background screening as provided under chapter 435,
1054 which, in addition to the disqualifying offenses provided in s.
1055 435.04, shall exclude an individual who has an arrest awaiting



1056 final disposition for, has been found guilty of, regardless of
1057 adjudication, or has entered a plea of nolo contendere or guilty
1058 to, an offense under chapter 837, chapter 895, or chapter 896 or
1059 similar law of another jurisdiction.

1060 (a) Such individual must submit a full set of fingerprints
1061 to the department or to a vendor, entity, or agency authorized
1062 by s. 943.053(13). The department, vendor, entity, or agency
1063 shall forward the fingerprints to the Department of Law
1064 Enforcement for state processing, and the Department of Law
1065 Enforcement shall forward the fingerprints to the Federal Bureau
1066 of Investigation for national processing.

1067 (b) Fees for state and federal fingerprint processing and
1068 retention shall be borne by the individual. The state cost for
1069 fingerprint processing shall be as provided in s. 943.053(3) (e)
1070 for records provided to persons or entities other than those
1071 specified as exceptions therein.

1072 (c) Fingerprints submitted to the Department of Law
1073 Enforcement pursuant to this subsection shall be retained by the
1074 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1075 (h) and, when the Department of Law Enforcement begins
1076 participation in the program, enrolled in the Federal Bureau of
1077 Investigation's national retained print arrest notification
1078 program. Any arrest record identified shall be reported to the
1079 department.

1080 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1081 ADMINISTRATIVE ACTIONS.—

1082 (a) The department shall conduct announced or unannounced
1083 inspections of medical marijuana treatment centers to determine
1084 compliance with this section or rules adopted pursuant to this



1085 section.

1086 (b) The department shall inspect a medical marijuana
1087 treatment center upon receiving a complaint or notice that the
1088 medical marijuana treatment center has dispensed marijuana
1089 containing mold, bacteria, or other contaminant that may cause
1090 or has caused an adverse effect to human health or the
1091 environment.

1092 (c) The department shall conduct at least a biennial
1093 inspection of each medical marijuana treatment center to
1094 evaluate the medical marijuana treatment center's records,
1095 personnel, equipment, processes, security measures, sanitation
1096 practices, and quality assurance practices.

1097 (d) The Department of Agriculture and Consumer Services and
1098 the department shall enter into an interagency agreement to
1099 ensure cooperation and coordination in the performance of their
1100 obligations under this section and their respective regulatory
1101 and authorizing laws. The department, the Department of Highway
1102 Safety and Motor Vehicles, and the Department of Law Enforcement
1103 may enter into interagency agreements for the purposes specified
1104 in this subsection or subsection (7).

1105 (e) The department shall publish a list of all approved
1106 medical marijuana treatment centers, medical directors, and
1107 qualified physicians on its website.

1108 (f) The department may impose reasonable fines not to
1109 exceed \$10,000 on a medical marijuana treatment center for any
1110 of the following violations:

- 1111 1. Violating this section or department rule.
1112 2. Failing to maintain qualifications for approval.
1113 3. Endangering the health, safety, or security of a



- 1114 qualified patient.
- 1115 4. Improperly disclosing personal and confidential
1116 information of a qualified patient.
- 1117 5. Attempting to procure medical marijuana treatment center
1118 approval by bribery, fraudulent misrepresentation, or extortion.
- 1119 6. Being convicted or found guilty of, or entering a plea
1120 of guilty or nolo contendere to, regardless of adjudication, a
1121 crime in any jurisdiction which directly relates to the business
1122 of a medical marijuana treatment center.
- 1123 7. Making or filing a report or record that the medical
1124 marijuana treatment center knows to be false.
- 1125 8. Willfully failing to maintain a record required by this
1126 section or department rule.
- 1127 9. Willfully impeding or obstructing an employee or agent
1128 of the department in the furtherance of his or her official
1129 duties.
- 1130 10. Engaging in fraud or deceit, negligence, incompetence,
1131 or misconduct in the business practices of a medical marijuana
1132 treatment center.
- 1133 11. Making misleading, deceptive, or fraudulent
1134 representations in or related to the business practices of a
1135 medical marijuana treatment center.
- 1136 12. Having a license or the authority to engage in any
1137 regulated profession, occupation, or business that is related to
1138 the business practices of a medical marijuana treatment center
1139 suspended, revoked, or otherwise acted against by the licensing
1140 authority of any jurisdiction, including its agencies or
1141 subdivisions, for a violation of Florida law.
- 1142 13. Violating a lawful order of the department or an agency



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1143 of the state, or failing to comply with a lawfully issued
1144 subpoena of the department or an agency of the state.

1145 (g) The department may suspend, revoke, or refuse to renew
1146 a medical marijuana treatment center license if the medical
1147 marijuana treatment center commits any of the violations in
1148 paragraph (f).

1149 (h) The department may adopt rules pursuant to ss.
1150 120.536(1) and 120.54 to implement this subsection.

1151 (11) PREEMPTION.—Regulation of cultivation, processing, and
1152 delivery of marijuana by medical marijuana treatment centers is
1153 preempted to the state except as provided in this subsection.

1154 (a) A medical marijuana treatment center cultivating or
1155 processing facility may not be located within 500 feet of the
1156 real property that comprises a public or private elementary
1157 school, middle school, or secondary school.

1158 (b) A municipality may determine by ordinance the criteria
1159 for the number and location of, and other permitting
1160 requirements that do not conflict with state law or department
1161 rule for, medical marijuana treatment center dispensing
1162 facilities located within the boundaries of the municipality. A
1163 county may determine by ordinance the criteria for the number
1164 and location of, and other permitting requirements that do not
1165 conflict with state law or department rule for, all such
1166 dispensing facilities located within the unincorporated areas of
1167 that county. Except as provided in paragraph (c), a county or
1168 municipality may not enact ordinances for permitting or for
1169 determining the location of dispensing facilities which are more
1170 restrictive than that its ordinances permitting or determining
1171 the locations for pharmacies licensed under chapter 465. A



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1172 municipality or county may not charge a medical marijuana
1173 treatment center a license or permit fee in an amount greater
1174 than the fee charged by such municipality or county to
1175 pharmacies. A dispensing facility location approved by a
1176 municipality or county pursuant to former s. 381.986(8)(b),
1177 Florida Statutes 2016, is not subject to the location
1178 requirements of this subsection.

1179 (c) A medical marijuana treatment center dispensing
1180 facility may not be located within 500 feet of the real property
1181 that comprises a public or private elementary school, middle
1182 school, or secondary school unless the county or municipality
1183 approves the location through a formal proceeding open to the
1184 public at which the county or municipality determines that the
1185 location promotes the public health, safety, and general welfare
1186 of the community.

1187 (d) This subsection does not prohibit any local
1188 jurisdiction from ensuring medical marijuana treatment center
1189 facilities comply with the Florida Building Code, the Florida
1190 Fire Prevention Code, or any local amendments to the Florida
1191 Building Code or the Florida Fire Prevention Code.

1192 (12) PENALTIES.—

1193 (a) A qualified physician commits a misdemeanor of the
1194 first degree, punishable as provided in s. 775.082 or s.
1195 775.083, if the qualified physician issues a physician
1196 certification for the medical use of marijuana to a patient
1197 without a reasonable belief that the patient is suffering from a
1198 qualifying medical condition.

1199 (b) A person who fraudulently represents that he or she has
1200 a qualifying medical condition to a qualified physician for the



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1201 purpose of being issued a physician certification commits a
1202 misdemeanor of the first degree, punishable as provided in s.
1203 775.082 or s. 775.083.

1204 (c) A qualified patient who uses marijuana, not including
1205 low-THC cannabis, or a caregiver who administers marijuana, not
1206 including low-THC cannabis, in plain view of or in a place open
1207 to the general public; in a school bus, a vehicle, an aircraft,
1208 or a boat; or on the grounds of a school except as provided in
1209 s. 1006.062, commits a misdemeanor of the first degree,
1210 punishable as provided in s. 775.082 or s. 775.083.

1211 (d) A qualified patient or caregiver who cultivates
1212 marijuana or who purchases or acquires marijuana from any person
1213 or entity other than a medical marijuana treatment center
1214 violates s. 893.13 and is subject to the penalties provided
1215 therein.

1216 (e)1. A qualified patient or caregiver in possession of
1217 marijuana or a marijuana delivery device who fails or refuses to
1218 present his or her marijuana use registry identification card
1219 upon the request of a law enforcement officer commits a
1220 misdemeanor of the second degree, punishable as provided in s.
1221 775.082 or s. 775.083, unless it can be determined through the
1222 medical marijuana use registry that the person is authorized to
1223 be in possession of that marijuana or marijuana delivery device.

1224 2. A person charged with a violation of this paragraph may
1225 not be convicted if, before or at the time of his or her court
1226 or hearing appearance, the person produces in court or to the
1227 clerk of the court in which the charge is pending a medical
1228 marijuana use registry identification card issued to him or her
1229 which is valid at the time of his or her arrest. The clerk of



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1230 the court is authorized to dismiss such case at any time before
1231 the defendant's appearance in court. The clerk of the court may
1232 assess a fee of \$5 for dismissing the case under this paragraph.

1233 (f) A caregiver who violates any of the applicable
1234 provisions of this section or applicable department rules, for
1235 the first offense, commits a misdemeanor of the second degree,
1236 punishable as provided in s. 775.082 or s. 775.083 and, for a
1237 second or subsequent offense, commits a misdemeanor of the first
1238 degree, punishable as provided in s. 775.082 or s. 775.083.

1239 (g) A qualified physician who issues a physician
1240 certification for marijuana or a marijuana delivery device and
1241 receives compensation from a medical marijuana treatment center
1242 related to the issuance of a physician certification for
1243 marijuana or a marijuana delivery device is subject to
1244 disciplinary action under the applicable practice act and s.
1245 456.072(1)(n).

1246 (h) A person transporting marijuana or marijuana delivery
1247 devices on behalf of a medical marijuana treatment center or
1248 marijuana testing laboratory who fails or refuses to present a
1249 transportation manifest upon the request of a law enforcement
1250 officer commits a misdemeanor of the second degree, punishable
1251 as provided in s. 775.082 or s. 775.083.

1252 (i) Persons and entities conducting activities authorized
1253 and governed by this section and s. 381.988 are subject to ss.
1254 456.053, 456.054, and 817.505, as applicable.

1255 (j) A person or entity that cultivates, processes,
1256 distributes, sells, or dispenses marijuana, as defined in s.
1257 29(b)(4), Art. X of the State Constitution, and is not licensed
1258 as a medical marijuana treatment center violates s. 893.13 and



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1259 is subject to the penalties provided therein.

1260 (13) UNLICENSED ACTIVITY.—

1261 (a) If the department has probable cause to believe that a
1262 person or entity that is not registered or licensed with the
1263 department has violated this section, s. 381.988, or any rule
1264 adopted pursuant to this section, the department may issue and
1265 deliver to such person or entity a notice to cease and desist
1266 from such violation. The department also may issue and deliver a
1267 notice to cease and desist to any person or entity who aids and
1268 abets such unlicensed activity. The issuance of a notice to
1269 cease and desist does not constitute agency action for which a
1270 hearing under s. 120.569 or s. 120.57 may be sought. For the
1271 purpose of enforcing a cease and desist order, the department
1272 may file a proceeding in the name of the state seeking issuance
1273 of an injunction or a writ of mandamus against any person or
1274 entity who violates any such order.

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



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1288 constitutes a separate violation. The department shall be
1289 entitled to recover the costs of investigation and prosecution
1290 in addition to the fine levied pursuant to the citation. Service
1291 of a citation may be made by personal service or by mail to the
1292 subject at the subject's last known address or place of
1293 practice. If the department is required to seek enforcement of
1294 the cease and desist or agency order, it shall be entitled to
1295 collect attorney fees and costs.

1296 (c) In addition to or in lieu of any other administrative
1297 remedy, the department may seek the imposition of a civil
1298 penalty through the circuit court for any violation for which
1299 the department may issue a notice to cease and desist. The civil
1300 penalty shall be no less than \$5,000 and no more than \$10,000
1301 for each offense. The court may also award to the prevailing
1302 party court costs and reasonable attorney fees and, in the event
1303 the department prevails, may also award reasonable costs of
1304 investigation and prosecution.

1305 (d) In addition to the other remedies provided in this
1306 section, the department or any state attorney may bring an
1307 action for an injunction to restrain any unlicensed activity or
1308 to enjoin the future operation or maintenance of the unlicensed
1309 activity or the performance of any service in violation of this
1310 section.

1311 (e) The department must notify local law enforcement of
1312 such unlicensed activity for a determination of any criminal
1313 violation of chapter 893.

1314 (14) EXCEPTIONS TO OTHER LAWS.—

1315 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1316 any other provision of law, but subject to the requirements of



1317 this section, a qualified patient and the qualified patient's
1318 caregiver may purchase from a medical marijuana treatment center
1319 for the patient's medical use a marijuana delivery device and up
1320 to the amount of marijuana authorized in the physician
1321 certification, but may not possess more than a 70-day supply of
1322 marijuana at any given time and all marijuana purchased must
1323 remain in its original packaging.

1324 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1325 any other provision of law, but subject to the requirements of
1326 this section, an approved medical marijuana treatment center and
1327 its owners, managers, and employees may manufacture, possess,
1328 sell, deliver, distribute, dispense, and lawfully dispose of
1329 marijuana or a marijuana delivery device as provided in this
1330 section, s. 381.988, and by department rule. For purposes of
1331 this subsection, the terms "manufacture," "possession,"
1332 "deliver," "distribute," and "dispense" have the same meanings
1333 as provided in s. 893.02.

1334 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1335 any other provision of law, but subject to the requirements of
1336 this section, a certified marijuana testing laboratory,
1337 including an employee of a certified marijuana testing
1338 laboratory acting within the scope of his or her employment, may
1339 acquire, possess, test, transport, and lawfully dispose of
1340 marijuana as provided in this section, in s. 381.988, and by
1341 department rule.

1342 (d) A licensed medical marijuana treatment center and its
1343 owners, managers, and employees are not subject to licensure or
1344 regulation under chapter 465 or chapter 499 for manufacturing,
1345 possessing, selling, delivering, distributing, dispensing, or



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1346 lawfully disposing of marijuana or a marijuana delivery device,
1347 as provided in this section, s. 381.988, and by department rule.

1348 (e) This subsection does not exempt a person from
1349 prosecution for a criminal offense related to impairment or
1350 intoxication resulting from the medical use of marijuana or
1351 relieve a person from any requirement under law to submit to a
1352 breath, blood, urine, or other test to detect the presence of a
1353 controlled substance.

1354 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1355 any other provision of law, but subject to the requirements of
1356 this section and pursuant to policies and procedures established
1357 pursuant to s. 1006.62(8), school personnel may possess
1358 marijuana that is obtained for medical use pursuant to this
1359 section by a student who is a qualified patient.

1360 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1361 any other provision of law, but subject to the requirements of
1362 this section, a research institute established by a public
1363 postsecondary educational institution, such as the H. Lee
1364 Moffitt Cancer Center and Research Institute established under
1365 s. 1004.43 or a state university that has achieved the
1366 preeminent state research university designation under s.
1367 1001.7065, may possess, test, transport, and lawfully dispose of
1368 marijuana for research purposes as provided by this section.

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



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1375 against an employer for wrongful discharge or discrimination.

1376 Section 2. 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 3. 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.—

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 4. Section 381.988, Florida Statutes, is created to
1395 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.



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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 a
1411 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,
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



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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 meeting
1438 the standards for certification required by this subsection, and
1439 the testing requirements of s. 381.986 and this section and
1440 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.



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- 1462 (e) Reporting content, format, and frequency.
- 1463 (f) Audits and onsite inspections.
- 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 of
1476 all samples it receives, unless transferred to another marijuana
1477 testing laboratory, after all necessary tests have been
1478 conducted and any required period of storage has elapsed, as
1479 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
1489 in the performance of testing or erroneous reporting.
- 1490 (c) Performing a test and rendering a report thereon to a



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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
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.



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1520 120.536(1) and 120.54 to implement this section.
1521 Section 5. Section 381.989, Florida Statutes, is created to
1522 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 and
1531 marijuana education and illicit use prevention campaign to
1532 publicize accurate information regarding:
1533 1. The legal requirements for licit use and possession of
1534 marijuana in this state.
1535 2. Safe use of marijuana, including preventing access by
1536 persons other than qualified patients as defined in s. 381.986,
1537 particularly children.
1538 3. The short-term and long-term health effects of cannabis
1539 and marijuana use, particularly on minors and young adults.
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 shall provide educational materials
1544 regarding the eligibility for medical use of marijuana by
1545 individuals diagnosed with a terminal condition to individuals
1546 that provide palliative care or hospice services.
1547 (c) The department may use television messaging, radio
1548 broadcasts, print media, digital strategies, social media, and



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1549 any other form of messaging deemed necessary and appropriate by
1550 the department to implement the campaign. The department may
1551 work with school districts, community organizations, and
1552 businesses and business organizations and other entities to
1553 provide training and programming.

1554 (d) The department may contract with one or more vendors to
1555 implement the campaign.

1556 (e) The department shall contract with an independent
1557 entity to conduct annual evaluations of the campaign. The
1558 evaluations shall assess the reach and impact of the campaign,
1559 success in educating the citizens of the state regarding the
1560 legal parameters for marijuana use, success in preventing
1561 illicit access by adults and youth, and success in preventing
1562 negative health impacts from the legalization of marijuana. The
1563 first year of the program, the evaluator shall conduct surveys
1564 to establish baseline data on youth and adult cannabis use, the
1565 attitudes of youth and the general public toward cannabis and
1566 marijuana, and any other data deemed necessary for long-term
1567 analysis. By January 31 of each year, the department shall
1568 submit to the Governor, the President of the Senate, and the
1569 Speaker of the House of Representatives the annual evaluation of
1570 the campaign.

1571 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1572 (a) The Department of Highway Safety and Motor Vehicles
1573 shall implement a statewide impaired driving education campaign
1574 to raise awareness and prevent marijuana-related and cannabis-
1575 related impaired driving and may contract with one or more
1576 vendors to implement the campaign. The Department of Highway
1577 Safety and Motor Vehicles may use television messaging, radio



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1578 broadcasts, print media, digital strategies, social media, and
1579 any other form of messaging deemed necessary and appropriate by
1580 the department to implement the campaign.

1581 (b) At a minimum, the Department of Highway Safety and
1582 Motor Vehicles or a contracted vendor shall establish baseline
1583 data on the number of marijuana-related citations for driving
1584 under the influence, marijuana-related traffic arrests,
1585 marijuana-related traffic accidents, and marijuana-related
1586 traffic fatalities, and shall track these measures annually
1587 thereafter. The Department of Highway Safety and Motor Vehicles
1588 or a contracted vendor shall annually evaluate and compile a
1589 report on the efficacy of the campaign based on those measures
1590 and other measures established by the Department of Highway
1591 Safety and Motor Vehicles. By January 31 of each year, the
1592 Department of Highway Safety and Motor Vehicles shall submit the
1593 report on the evaluation of the campaign to the Governor, the
1594 President of the Senate, and the Speaker of the House of
1595 Representatives.

1596 Section 6. Subsection (1) of section 385.211, Florida
1597 Statutes, is amended to read:

1598 385.211 Refractory and intractable epilepsy treatment and
1599 research at recognized medical centers.—

1600 (1) As used in this section, the term "low-THC cannabis"
1601 means "low-THC cannabis" as defined in s. 381.986 that is
1602 dispensed only from a dispensing organization as defined in
1603 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1604 treatment center as defined in s. 381.986.

1605 Section 7. Paragraphs (b) through (e) of subsection (2) of
1606 section 499.0295, Florida Statutes, are redesignated as



1607 paragraphs (a) through (d), respectively, and present paragraphs
1608 (a) and (c) of that subsection, and subsection (3) of that
1609 section are amended, to read:

1610 499.0295 Experimental treatments for terminal conditions.-

1611 (2) As used in this section, the term:

1612 ~~(a) "Dispensing organization" means an organization~~
1613 ~~approved by the Department of Health under s. 381.986(5) to~~
1614 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1615 ~~medical cannabis, and cannabis delivery devices.~~

1616 (b)(e) "Investigational drug, biological product, or
1617 device" means:

1618 ~~1.~~ a drug, biological product, or device that has
1619 successfully completed phase 1 of a clinical trial but has not
1620 been approved for general use by the United States Food and Drug
1621 Administration and remains under investigation in a clinical
1622 trial approved by the United States Food and Drug
1623 Administration; ~~or~~

1624 ~~2. Medical cannabis that is manufactured and sold by a~~
1625 ~~dispensing organization.~~

1626 (3) Upon the request of an eligible patient, a manufacturer
1627 may, ~~or upon a physician's order pursuant to s. 381.986, a~~
1628 ~~dispensing organization may:~~

1629 (a) Make its investigational drug, biological product, or
1630 device available under this section.

1631 (b) Provide an investigational drug, biological product, or
1632 ~~device, or cannabis delivery device as defined in s. 381.986 to~~
1633 an eligible patient without receiving compensation.

1634 (c) Require an eligible patient to pay the costs of, or the
1635 costs associated with, the manufacture of the investigational



1636 drug, biological product, or device, ~~or cannabis delivery device~~
1637 ~~as defined in s. 381.986.~~

1638 Section 8. Subsection (3) of section 893.02, Florida
1639 Statutes, is amended to read:

1640 893.02 Definitions.—The following words and phrases as used
1641 in this chapter shall have the following meanings, unless the
1642 context otherwise requires:

1643 (3) "Cannabis" means all parts of any plant of the genus
1644 *Cannabis*, whether growing or not; the seeds thereof; the resin
1645 extracted from any part of the plant; and every compound,
1646 manufacture, salt, derivative, mixture, or preparation of the
1647 plant or its seeds or resin. The term does not include
1648 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1649 manufactured, possessed, sold, purchased, delivered,
1650 distributed, or dispensed, in conformance with s. 381.986.

1651 Section 9. Section 1004.4351, Florida Statutes, is created
1652 to read:

1653 1004.4351 Medical marijuana research and education.—

1654 (1) SHORT TITLE.—This section shall be known and may be
1655 cited as the "Medical Marijuana Research and Education Act."

1656 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1657 (a) The present state of knowledge concerning the use of
1658 marijuana to alleviate pain and treat illnesses is limited
1659 because permission to perform clinical studies on marijuana is
1660 difficult to obtain, with access to research-grade marijuana so
1661 restricted that little or no unbiased studies have been
1662 performed.

1663 (b) Under the State Constitution, marijuana is available
1664 for the treatment of certain debilitating medical conditions.



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1665 (c) Additional clinical studies are needed to ensure that
1666 the residents of this state obtain the correct dosing,
1667 formulation, route, modality, frequency, quantity, and quality
1668 of marijuana for specific illnesses.

1669 (d) An effective medical marijuana research and education
1670 program would mobilize the scientific, educational, and medical
1671 resources that presently exist in this state to determine the
1672 appropriate and best use of marijuana to treat illness.

1673 (3) DEFINITIONS.—As used in this section, the term:

1674 (a) "Board" means the Medical Marijuana Research and
1675 Education Board.

1676 (b) "Coalition" means the Coalition for Medical Marijuana
1677 Research and Education.

1678 (c) "Marijuana" has the same meaning as provided in s. 29,
1679 Art. X of the State Constitution.

1680 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1681 EDUCATION.—

1682 (a) There is established within the H. Lee Moffitt Cancer
1683 Center and Research Institute, Inc., the Coalition for Medical
1684 Marijuana Research and Education. The purpose of the coalition
1685 is to conduct rigorous scientific research, provide education,
1686 disseminate research, and guide policy for the adoption of a
1687 statewide policy on ordering and dosing practices for the
1688 medical use of marijuana. The coalition shall be physically
1689 located at the H. Lee Moffitt Cancer Center and Research
1690 Institute, Inc.

1691 (b) The Medical Marijuana Research and Education Board is
1692 established to direct the operations of the coalition. The board
1693 shall be composed of seven members appointed by the chief



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1694 executive officer of the H. Lee Moffitt Cancer Center and
1695 Research Institute, Inc. Board members must have experience in a
1696 variety of scientific and medical fields, including, but not
1697 limited to, oncology, neurology, psychology, pediatrics,
1698 nutrition, and addiction. Members shall be appointed to 4-year
1699 terms and may be reappointed to serve additional terms. The
1700 chair shall be elected by the board from among its members to
1701 serve a 2-year term. The board shall meet no less than
1702 semiannually at the call of the chair or, in his or her absence
1703 or incapacity, the vice chair. Four members constitute a quorum.
1704 A majority vote of the members present is required for all
1705 actions of the board. The board may prescribe, amend, and repeal
1706 a charter governing the manner in which it conducts its
1707 business. A board member shall serve without compensation but is
1708 entitled to be reimbursed for travel expenses by the coalition
1709 or the organization he or she represents in accordance with s.
1710 112.061.

1711 (c) The coalition shall be administered by a coalition
1712 director, who shall be appointed by and serve at the pleasure of
1713 the board. The coalition director shall, subject to the approval
1714 of the board:

- 1715 1. Propose a budget for the coalition.
- 1716 2. Foster the collaboration of scientists, researchers, and
1717 other appropriate personnel in accordance with the coalition's
1718 charter.
- 1719 3. Identify and prioritize the research to be conducted by
1720 the coalition.
- 1721 4. Prepare the Medical Marijuana Research and Education
1722 Plan for submission to the board.



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1723 5. Apply for grants to obtain funding for research
1724 conducted by the coalition.

1725 6. Perform other duties as determined by the board.

1726 (d) The board shall advise the Board of Governors, the
1727 State Surgeon General, the Governor, and the Legislature with
1728 respect to medical marijuana research and education in this
1729 state. The board shall explore methods of implementing and
1730 enforcing medical marijuana laws in relation to cancer control,
1731 research, treatment, and education.

1732 (e) The board shall annually adopt a plan for medical
1733 marijuana research, known as the "Medical Marijuana Research and
1734 Education Plan," which must be in accordance with state law and
1735 coordinate with existing programs in this state. The plan must
1736 include recommendations for the coordination and integration of
1737 medical, pharmacological, nursing, paramedical, community, and
1738 other resources connected with the treatment of debilitating
1739 medical conditions; research related to the treatment of such
1740 medical conditions; and education.

1741 (f) By February 15 of each year, the board shall issue a
1742 report to the Governor, the President of the Senate, and the
1743 Speaker of the House of Representatives on research projects,
1744 community outreach initiatives, and future plans for the
1745 coalition.

1746 (g) Beginning January 15, 2018, and quarterly thereafter,
1747 the Department of Health shall submit to the coalition a data
1748 set that includes, for each patient registered in the medical
1749 marijuana use registry, the patient's qualifying medical
1750 condition and the daily dose amount and forms of marijuana
1751 certified for the patient.



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1752 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1753 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1754 and Research Institute, Inc., shall allocate staff and provide
1755 information and assistance, as the coalition’s budget permits,
1756 to assist the board in fulfilling its responsibilities.

1757 Section 10. Subsection (1) of section 1004.441, Florida
1758 Statutes, is amended to read:

1759 1004.441 Refractory and intractable epilepsy treatment and
1760 research.—

1761 (1) As used in this section, the term “low-THC cannabis”
1762 means “low-THC cannabis” as defined in s. 381.986 that is
1763 dispensed only from a dispensing organization as defined in
1764 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1765 treatment center as defined in s. 381.986.

1766 Section 11. Subsection (8) is added to section 1006.062,
1767 Florida Statutes, to read:

1768 1006.062 Administration of medication and provision of
1769 medical services by district school board personnel.—

1770 (8) Each district school board shall adopt a policy and a
1771 procedure for allowing a student who is a qualified patient, as
1772 defined in s. 381.986, to use marijuana obtained pursuant to
1773 that section. Such policy and procedure shall ensure access by
1774 the qualified patient; identify how the marijuana will be
1775 received, accounted for, and stored; and establish processes to
1776 prevent access by other students and school personnel
1777 unnecessary to the implementation of the policy.

1778 Section 12. Department of Health; authority to adopt rules;
1779 cause of action.—

1780 (1) EMERGENCY RULEMAKING.—



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1781 (a) The Department of Health and the applicable boards
1782 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1783 Statutes, and this section necessary to implement ss. 381.986
1784 and 381.988, Florida Statutes. If an emergency rule adopted
1785 under this section is held to be unconstitutional or an invalid
1786 exercise of delegated legislative authority, and becomes void,
1787 the department or the applicable boards may adopt an emergency
1788 rule pursuant to this section to replace the rule that has
1789 become void. If the emergency rule adopted to replace the void
1790 emergency rule is also held to be unconstitutional or an invalid
1791 exercise of delegated legislative authority and becomes void,
1792 the department and the applicable boards must follow the
1793 nonemergency rulemaking procedures of the Administrative
1794 Procedures Act to replace the rule that has become void.

1795 (b) For emergency rules adopted under this section, the
1796 department and the applicable boards need not make the findings
1797 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1798 adopted under this section are exempt from ss. 120.54(3)(b) and
1799 120.541, Florida Statutes. The department and the applicable
1800 boards shall meet the procedural requirements in s. 120.54(a),
1801 Florida Statutes, if the department or the applicable boards
1802 have, prior to the effective date of this act, held any public
1803 workshops or hearings on the subject matter of the emergency
1804 rules adopted under this subsection. Challenges to emergency
1805 rules adopted under this subsection shall be subject to the time
1806 schedules provided in s. 120.56(5), Florida Statutes.

1807 (c) Emergency rules adopted under this section are exempt
1808 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1809 effect until replaced by rules adopted under the nonemergency



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1810 rulemaking procedures of the Administrative Procedures Act. By
1811 January 1, 2018, the department and the applicable boards shall
1812 initiate nonemergency rulemaking pursuant to the Administrative
1813 Procedures Act to replace all emergency rules adopted under this
1814 section by publishing a notice of rule development in the
1815 Florida Administrative Register. Except as provided in paragraph
1816 (a), after January 1, 2018, the department and applicable boards
1817 may not adopt rules pursuant to the emergency rulemaking
1818 procedures provided in this section.

1819 (2) CAUSE OF ACTION.—

1820 (a) As used in s. 29(d)(3), Art. X of the State
1821 Constitution, the term:

1822 1. "Issue regulations" means the filing by the department
1823 of a rule or emergency rule for adoption with the Department of
1824 State.

1825 2. "Judicial relief" means an action for declaratory
1826 judgment pursuant to chapter 86, Florida Statutes.

1827 (b) The venue for actions brought against the department
1828 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1829 be in the circuit court in and for Leon County.

1830 (c) If the department is not issuing patient and caregiver
1831 identification cards or licensing medical marijuana treatment
1832 centers by October 3, 2017, the following shall be a defense to
1833 a cause of action brought under s. 29(d)(3), Art. X of the State
1834 Constitution:

1835 1. The department is unable to issue patient and caregiver
1836 identification cards or license medical marijuana treatment
1837 centers due to litigation challenging a rule as an invalid
1838 exercise of delegated legislative authority or unconstitutional.



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1839 2. The department is unable to issue patient or caregiver
1840 identification cards or license medical marijuana treatment
1841 centers due to a rule being held as an invalid exercise of
1842 delegated legislative authority or unconstitutional.

1843 Section 13. Department of Law Enforcement; training related
1844 to medical use of marijuana.—The Department of Law Enforcement
1845 shall develop a 4-hour online initial training course, and a 2-
1846 hour online continuing education course, which shall be made
1847 available for use by all law enforcement agencies in this state.
1848 Such training shall cover the legal parameters of marijuana-
1849 related activities governed by ss. 381.986 and 381.988, Florida
1850 Statutes, relating to criminal laws governing marijuana.

1851 Section 14. Section 385.212, Florida Statutes, is amended
1852 to read:

1853 385.212 Powers and duties of the Department of Health;
1854 Office of Medical Marijuana ~~Compassionate~~ Use.—

1855 (1) The Department of Health shall establish an Office of
1856 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1857 Deputy State Health Officer.

1858 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
1859 enhance access to investigational new drugs for Florida patients
1860 through approved clinical treatment plans or studies. The Office
1861 of Medical Marijuana ~~Compassionate~~ Use may:

1862 (a) Create a network of state universities and medical
1863 centers recognized pursuant to s. 381.925.

1864 (b) Make any necessary application to the United States
1865 Food and Drug Administration or a pharmaceutical manufacturer to
1866 facilitate enhanced access to medical ~~compassionate~~ use of
1867 marijuana for Florida patients.



1868 (c) Enter into any agreements necessary to facilitate
1869 enhanced access to medical ~~compassionate~~ use of marijuana for
1870 Florida patients.

1871 (3) The department may adopt rules necessary to implement
1872 this section.

1873 (4) The Office of Medical Marijuana Use shall administer
1874 and enforce the provisions of s. 381.986.

1875 Section 15. If any provision of this act or its application
1876 to any person or circumstance is held invalid, the invalidity
1877 does not affect other provisions or applications of this act
1878 which can be given effect without the invalid provision or
1879 application, and to this end the provisions of this act are
1880 severable.

1881 Section 16. This act shall take effect upon becoming a law.
1882

1883 ===== T I T L E A M E N D M E N T =====

1884 And the title is amended as follows:

1885 Delete everything before the enacting clause
1886 and insert:

1887 A bill to be entitled
1888 An act relating to medical use of marijuana; amending
1889 s. 381.986, F.S.; providing, revising, and deleting
1890 definitions; providing qualifying medical conditions
1891 for a patient to be eligible to receive marijuana or a
1892 marijuana delivery device; providing requirements for
1893 designating a qualified physician or medical director;
1894 providing criteria for certification of a patient for
1895 medical marijuana treatment by a qualified physician;
1896 providing for certain patients registered with the



1897 medical marijuana use registry to be deemed qualified;
1898 requiring the Department of Health to monitor
1899 physician registration and certifications in the
1900 medical marijuana use registry; requiring the Board of
1901 Medicine and the Board of Osteopathic Medicine to
1902 create a physician certification pattern review panel;
1903 providing rulemaking authority to the department and
1904 the boards; requiring the department to establish a
1905 medical marijuana use registry; specifying entities
1906 and persons who have access to the registry; providing
1907 requirements for registration of, and maintenance of
1908 registered status by, qualified patients and
1909 caregivers; providing criteria for nonresidents to
1910 prove residency for registration as a qualified
1911 patient; defining the term "seasonal resident";
1912 authorizing the department to suspend or revoke the
1913 registration of a patient or caregiver under certain
1914 circumstances; providing requirements for the issuance
1915 of medical marijuana use registry identification
1916 cards; authorizing the department to charge a fee for
1917 identification cards; requiring the department to
1918 issue licenses to a certain number of medical
1919 marijuana treatment centers; providing for license
1920 renewal and revocation; providing conditions for
1921 change of ownership; providing for continuance of
1922 certain entities authorized to dispense low-THC
1923 cannabis, medical cannabis, and cannabis delivery
1924 devices; requiring a medical marijuana treatment
1925 center to comply with certain standards in the



1926 production and distribution of edibles; requiring the
1927 department to establish, maintain, and control a
1928 computer software seed-to-sale marijuana tracking
1929 system; requiring background screening of owners,
1930 officers, board members, and managers of medical
1931 marijuana treatment centers; requiring the department
1932 to establish protocols and procedures for operation,
1933 conduct periodic inspections, and restrict location of
1934 medical marijuana treatment centers; providing a limit
1935 on county and municipal permit fees; authorizing
1936 counties and municipalities to determine the location
1937 of medical marijuana treatment centers by ordinance
1938 under certain conditions; providing penalties;
1939 authorizing the department to impose sanctions on
1940 persons or entities engaging in unlicensed activities;
1941 providing that a person is not exempt from prosecution
1942 for certain offenses and is not relieved from certain
1943 requirements of law under certain circumstances;
1944 providing for certain school personnel to possess
1945 marijuana pursuant to certain established policies and
1946 procedures; providing that certain research
1947 institutions may possess, test, transport, and dispose
1948 of marijuana subject to certain conditions; providing
1949 applicability with respect to employer-instituted
1950 drug-free workplace programs; amending ss. 458.331 and
1951 459.015, F.S.; providing additional acts by a
1952 physician or an osteopathic physician which constitute
1953 grounds for denial of a license or disciplinary action
1954 to which penalties apply; creating s. 381.988, F.S.;



1955 providing for the establishment of medical marijuana
1956 testing laboratories; requiring the Department of
1957 Health, in collaboration with the Department of
1958 Agriculture and Consumer Services and the Department
1959 of Environmental Protection, to develop certification
1960 standards and rules; providing limitations on the
1961 acquisition and distribution of marijuana by a testing
1962 laboratory; providing an exception for transfer of
1963 marijuana under certain conditions; requiring a
1964 testing laboratory to use a department-selected
1965 computer tracking system; providing grounds for
1966 disciplinary and administrative action; authorizing
1967 the department to refuse to issue or renew, or suspend
1968 or revoke, a testing laboratory license; creating s.
1969 381.989, F.S.; defining terms; directing the
1970 department and the Department of Highway Safety and
1971 Motor Vehicles to institute public education campaigns
1972 relating to cannabis and marijuana and impaired
1973 driving; requiring evaluations of public education
1974 campaigns; authorizing the department and the
1975 Department of Highway Safety and Motor Vehicles to
1976 contract with vendors to implement and evaluate the
1977 campaigns; amending ss. 385.211, 499.0295, and 893.02,
1978 F.S.; conforming provisions to changes made by the
1979 act; creating s. 1004.4351, F.S.; providing a short
1980 title; providing legislative findings; defining terms;
1981 establishing the Coalition for Medical Marijuana
1982 Research and Education within the H. Lee Moffitt
1983 Cancer Center and Research Institute, Inc.; providing



1984 a purpose for the coalition; establishing the Medical
1985 Marijuana Research and Education Board to direct the
1986 operations of the coalition; providing for the
1987 appointment of board members; providing for terms of
1988 office, reimbursement for certain expenses, and
1989 meetings of the board; authorizing the board to
1990 appoint a coalition director; prescribing the duties
1991 of the coalition director; requiring the board to
1992 advise specified entities and officials regarding
1993 medical marijuana research and education in this
1994 state; requiring the board to annually adopt a Medical
1995 Marijuana Research and Education Plan; providing
1996 requirements for the plan; requiring the board to
1997 issue an annual report to the Governor and the
1998 Legislature by a specified date; requiring the
1999 Department of Health to submit reports to the board
2000 containing specified data; specifying responsibilities
2001 of the H. Lee Moffitt Cancer Center and Research
2002 Institute, Inc.; amending s. 1004.441, F.S.; revising
2003 a definition; amending s. 1006.062, F.S.; requiring
2004 district school boards to adopt policies and
2005 procedures for access to medical marijuana by
2006 qualified patients who are students; providing
2007 emergency rulemaking authority; providing for venue
2008 for a cause of action against the department;
2009 providing for defense against certain causes of
2010 action; directing the Department of Law Enforcement to
2011 develop training for law enforcement officers and
2012 agencies; amending s. 385.212, F.S.; renaming the



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department's Office of Compassionate Use; providing
severability; providing an effective date.