

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Rodrigues offered the following:

Substitute Amendment for Amendment (171781) (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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14 chapter.

15 (2) EXEMPTIONS; MEDICAL.—

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

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

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

23 381.986 Medical use of marijuana.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 a. On any form of public transportation.

86 b. In any public place.

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

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

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

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

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

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

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

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

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

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

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

120 (a) Cancer.

121 (b) Epilepsy.

122 (c) Glaucoma.

123 (d) Positive status for human immunodeficiency virus.

124 (e) Acquired immune deficiency syndrome.

125 (f) Post-traumatic stress disorder.

126 (g) Amyotrophic lateral sclerosis.

127 (h) Crohn's disease.

128 (i) Parkinson's disease.

129 (j) Multiple sclerosis.

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

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

135 (m) Chronic nonmalignant pain.

136 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

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

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

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

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164 (4) PHYSICIAN CERTIFICATION.—

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

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

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

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

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

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

181 d. Any other documentation requested by the board.

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

187 4. Determined that the patient is not pregnant and
188 documented such determination in the patient's medical record. A

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189 physician may not issue a physician certification to a patient
190 who is pregnant.

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

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

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

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

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

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

213 8. Maintains an individualized patient treatment plan that

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

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

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

235 a. The Federal Government's classification of marijuana as
236 a Schedule I controlled substance.

237 b. The approval and oversight status of marijuana by the
238 Food and Drug Administration.

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239 c. The current state of research on the efficacy of
240 marijuana to treat the qualifying conditions set forth in this
241 section.

242 d. The potential for addiction.

243 e. The potential effect that marijuana may have on a
244 patient's coordination, motor skills, and cognition, including a
245 warning against operating heavy machinery, operating a motor
246 vehicle, or engaging in activities that require a person to be
247 alert or respond quickly.

248 f. The potential side effects of marijuana use.

249 g. The risks, benefits, and drug interactions of
250 marijuana.

251 h. That the patient's de-identified health information
252 contained in the physician certification, treatment plan, and
253 medical marijuana use registry may be used for research
254 purposes.

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

262 1. A qualified physician may request an exception to the
263 daily dose amount limit. The request shall be made

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264 electronically on a form adopted by the department in rule and
265 must include, at a minimum:

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

267 b. The dosage and route of administration that was
268 insufficient to provide relief to the qualified patient.

269 c. A description of how the patient will benefit from an
270 increased amount.

271 d. The minimum daily dose amount of marijuana that would
272 be sufficient for the treatment of the qualified patient's
273 qualifying medical condition.

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

276 3. The department shall approve or disapprove the request
277 within 14 days after receipt of the complete documentation
278 required by this paragraph. The request shall be deemed approved
279 if the department fails to act within this time period.

280 (c) A qualified physician must evaluate an existing
281 patient at least once every 30 weeks to determine if the patient
282 still meets the requirements of paragraph (a).

283 (d) An active order for low-THC cannabis or medical
284 cannabis issued pursuant to former s. 381.986, Florida Statutes
285 2016, and registered with the compassionate use registry before
286 the effective date of this section, is deemed a physician
287 certification, and all patients possessing such orders are
288 deemed qualified patients until the department begins issuing

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289 medical marijuana use registry identification cards.

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

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

307 (g) The department, the Board of Medicine, and the Board
308 of Osteopathic Medicine may adopt rules pursuant to ss.
309 120.536(1) and 120.54 to implement this subsection.

310 (5) MEDICAL MARIJUANA USE REGISTRY.—

311 (a) The department shall create and maintain a secure,
312 electronic, and online medical marijuana use registry for
313 physicians, patients, and caregivers as provided under this

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

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

330 1. An adult resident must provide the department with a
331 copy of his or her valid Florida driver license issued under s.
332 322.18 or a copy of a valid Florida identification card issued
333 under s. 322.051.

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

338 a. A deed, mortgage, monthly mortgage statement, mortgage

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339 payment booklet or residential rental or lease agreement.

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

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

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

348 e. Mail from a financial institution, including checking,
349 savings, or investment account statements, not more than 2
350 months old.

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

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

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

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

358 b. Maintains a temporary residence in this state;

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

361 d. Is registered to vote or pays income tax in another
362 state or jurisdiction.

363 4. A minor must provide the department with a certified

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364 copy of a birth certificate or a current record of registration
365 from a Florida K-12 school and must have a parent or legal
366 guardian who meets the requirements of subparagraph 1.

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

371 (c) The department may suspend or revoke the registration
372 of a qualified patient or caregiver if the qualified patient or
373 caregiver:

374 1. Provides misleading, incorrect, false, or fraudulent
375 information to the department;

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

378 3. Falsifies, alters, or otherwise modifies an
379 identification card;

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

382 5. Violates the requirements of this section or any rule
383 adopted under this section.

384 (d) The department shall immediately suspend the
385 registration of a qualified patient charged with a violation of
386 chapter 893 until final disposition of any alleged offense.
387 Thereafter, the department may extend the suspension, revoke the
388 registration, or reinstate the registration.

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

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

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

403 (h) The department may adopt rules pursuant to ss.
404 120.536(1) and 120.54 to implement this subsection.

405 (6) CAREGIVERS.—

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

411 (b) A caregiver must:

412 1. Not be a qualified physician and not be employed by or
413 have an economic interest in a medical marijuana treatment

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414 center or a marijuana testing laboratory.

415 2. Be 21 years of age or older and a resident of this
416 state.

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

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

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

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

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

430 1. The qualified patient is a minor and the designated
431 caregivers are parents or legal guardians of the qualified
432 patient;

433 2. The qualified patient is an adult who has an
434 intellectual or developmental disability that prevents the
435 patient from being able to protect or care for himself or
436 herself without assistance or supervision and the designated
437 caregivers are the parents or legal guardians of the qualified
438 patient; or

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

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

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

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

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

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

459 (f) If a qualified patient is younger than 18 years of
460 age, only a caregiver may purchase or administer marijuana for
461 medical use by the qualified patient. The qualified patient may
462 not purchase marijuana.

463 (g) A caregiver must be in immediate possession of his or

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464 her medical marijuana use registry identification card at all
465 times when in possession of marijuana or a marijuana delivery
466 device and must present his or her medical marijuana use
467 registry identification card upon the request of a law
468 enforcement officer.

469 (h) The department may adopt rules pursuant to ss.
470 120.536(1) and 120.54 to implement this subsection.

471 (7) IDENTIFICATION CARDS.-

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

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

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

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

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

486 5. For a caregiver, the name and unique numeric identifier
487 of the caregiver and the qualified patient or patients that the
488 caregiver is assisting.

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489 6. The expiration date of the identification card.

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

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

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

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

510 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

511 (a) The department shall license medical marijuana
512 treatment centers to ensure reasonable statewide accessibility
513 and availability as necessary for qualified patients registered

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514 in the medical marijuana use registry and who are issued a
515 physician certification under this section.

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

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

537 3. The department shall also license as a medical
538 marijuana treatment center any applicant that was denied a

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539 dispensing organization license by the department under former
540 s. 381.986, Florida Statutes 2014, if the applicant is awarded a
541 license pursuant to an administrative or legal challenge filed
542 prior to January 1, 2017, and meets the requirements of this
543 section.

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

554 5. Upon the registration of 200,000 active qualified
555 patients in the medical marijuana use registry, the department
556 shall license five additional medical marijuana treatment
557 centers that meet the requirements of this section. Thereafter,
558 the department shall license three medical marijuana treatment
559 centers upon the registration of each additional 100,000 active
560 qualified patients in the medical marijuana use registry who
561 meet the requirements of this section.

562 (b) An applicant for licensure as a medical marijuana
563 treatment center shall apply to the department on a form

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564 prescribed by the department and adopted in rule. The department
565 shall adopt rules pursuant to ss. 120.536(1) and 120.54
566 establishing a procedure for the issuance and biennial renewal
567 of licenses, including initial application and biennial renewal
568 fees sufficient to cover the costs of administering this
569 licensure program. The department shall issue a license to an
570 applicant if the applicant meets the requirements of this
571 section and pays the initial application fee. The department
572 shall renew the licensure of a medical marijuana treatment
573 center biennially if the licensee meets the requirements of this
574 section and pays the biennial renewal fee. An individual may not
575 be an applicant, owner, officer, board member, or manager on
576 more than one application for licensure as a medical marijuana
577 treatment center. An individual or entity may not be awarded
578 more than one license as a medical marijuana treatment center.
579 An applicant for licensure as a medical marijuana treatment
580 center must demonstrate:

581 1. The technical and technological ability to cultivate
582 and produce marijuana, including, but not limited to, low-THC
583 cannabis.

584 2. Possession of a valid certificate of registration
585 issued by the Department of Agriculture and Consumer Services
586 pursuant to s. 581.131 which is issued for the cultivation of
587 more than 400,000 plants; operation by a nurseryman as defined
588 in s. 581.011; operation as a registered nursery in this state

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589 for at least 5 continuous years; or operation as a commercial
590 citrus grove as defined by the Department of Agriculture and
591 Consumer Services or as a citrus processing plant registered
592 under s. 601.40 and possession of a valid certificate of
593 registration issued by the Department of Agriculture and
594 Consumer Services pursuant to s. 581.131.

595 3. The ability to secure the premises, resources, and
596 personnel necessary to operate as a medical marijuana treatment
597 center.

598 4. The ability to maintain accountability of all raw
599 materials, finished products, and any byproducts to prevent
600 diversion or unlawful access to or possession of these
601 substances.

602 5. An infrastructure reasonably located to dispense
603 marijuana to registered qualified patients statewide or
604 regionally as determined by the department.

605 6. The financial ability to maintain operations for the
606 duration of the 2-year approval cycle, including the provision
607 of certified financial statements to the department. Upon
608 approval, the applicant must post a \$5 million performance bond.
609 However, a medical marijuana treatment center serving at least
610 1,000 qualified patients is only required to maintain a \$2
611 million performance bond.

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

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614 8. The employment of a medical director to supervise the
615 activities of the medical marijuana treatment center.

616 (c) A medical marijuana treatment center may not make a
617 wholesale purchase of marijuana from, or a distribution of
618 marijuana to, another medical marijuana treatment center, unless
619 the medical marijuana treatment center seeking to make a
620 wholesale purchase of marijuana submits proof of harvest failure
621 to the department.

622 (d) The department shall establish, maintain, and control
623 a computer software tracking system that traces marijuana from
624 seed to sale and allows real-time, 24-hour access by the
625 department to data from all medical marijuana treatment centers
626 and marijuana testing laboratories. The tracking system must
627 allow for integration of other seed-to-sale systems and, at a
628 minimum, include notification of when marijuana seeds are
629 planted, when marijuana plants are harvested and destroyed, and
630 when marijuana is transported, sold, stolen, diverted, or lost.
631 Each medical marijuana treatment center shall use the seed-to-
632 sale tracking system established by the department or integrate
633 its own seed-to-sale tracking system with the seed-to-sale
634 tracking system established by the department. Each medical
635 marijuana treatment center may use its own seed-to-sale system
636 until the department establishes a seed-to-sale tracking system.
637 The department may contract with a vendor to establish the seed-
638 to-sale tracking system. The vendor selected by the department

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639 may not have a contractual relationship with the department to
640 perform any services pursuant to this section other than the
641 seed-to-sale tracking system. The vendor may not have a direct
642 or indirect financial interest in a medical marijuana treatment
643 center or a marijuana testing laboratory.

644 (e) A licensed medical marijuana treatment center shall
645 cultivate, process, transport, and dispense marijuana for
646 medical use. A licensed medical marijuana treatment center must,
647 at all times, maintain compliance with the criteria demonstrated
648 and representations made in the initial application and the
649 criteria established in this subsection. Upon request, the
650 department may grant a medical marijuana treatment center a
651 variance from the representations made in the initial
652 application. Consideration of such a request shall be based upon
653 the individual facts and circumstances surrounding the request.
654 A variance may not be granted unless the requesting medical
655 marijuana treatment center can demonstrate to the department
656 that it has a proposed alternative to the specific
657 representation made in its application which fulfills the same
658 or a similar purpose as the specific representation in a way
659 that the department can reasonably determine will not be a lower
660 standard than the specific representation in the application. A
661 variance may not be granted from the requirements in
662 subparagraph 1. and subparagraph (b)1.

663 1. A medical marijuana treatment center, and any

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664 individual or entity who directly or indirectly owns, controls,
665 or holds with power to vote 25 percent or more of the voting
666 shares of a medical marijuana treatment center, may not acquire
667 direct or indirect ownership or control of any voting shares or
668 other form of ownership of any other medical marijuana treatment
669 center.

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

673 3. Each medical marijuana treatment center must adopt and
674 enforce policies and procedures to ensure employees and
675 volunteers receive training on the legal requirements to
676 dispense marijuana to qualified patients.

677 4. When growing marijuana, a medical marijuana treatment
678 center:

679 a. May use pesticides determined by the department, after
680 consultation with the Department of Agriculture and Consumer
681 Services, to be safely applied to plants intended for human
682 consumption, but may not use pesticides designated as
683 restricted-use pesticides pursuant to s. 487.042.

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

686 c. Must inspect seeds and growing plants for plant pests
687 that endanger or threaten the horticultural and agricultural
688 interests of the state in accordance with chapter 581 and any

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689 rules adopted thereunder.

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

693 5. Each medical marijuana treatment center must produce
694 and make available for purchase at least one low-THC cannabis
695 product.

696 6. A medical marijuana treatment center that produces
697 edibles must hold a permit to operate as a food establishment
698 pursuant to chapter 500, the Florida Food Safety Act, and must
699 comply with all the requirements for food establishments
700 pursuant to chapter 500 and any rules adopted thereunder.

701 Edibles may not contain more than 200 milligrams of
702 tetrahydrocannabinol and a single serving portion of an edible
703 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
704 may have a potency variance of no greater than 15 percent.

705 Edibles may not be attractive to children; be manufactured in
706 the shape of humans, cartoons, or animals; be manufactured in a
707 form that bears any reasonable resemblance to products available
708 for consumption as commercially available candy; or contain any
709 color additives. To discourage consumption of edibles by
710 children, the department shall determine by rule any shapes,
711 forms, and ingredients allowed and prohibited for edibles.

712 Medical marijuana treatment centers may not begin processing or
713 dispensing edibles until after the effective date of the rule.

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714 The department shall also adopt sanitation rules providing the
715 standards and requirements for the storage, display, or
716 dispensing of edibles.

717 7. When processing marijuana, a medical marijuana
718 treatment center must:

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

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

723 c. Test the processed marijuana using a medical marijuana
724 testing laboratory before it is dispensed. Results must be
725 verified and signed by two medical marijuana treatment center
726 employees. Before dispensing, the medical marijuana treatment
727 center must determine that the test results indicate that low-
728 THC cannabis meets the definition of low-THC cannabis, the
729 concentration of tetrahydrocannabinol meets the potency
730 requirements of this section, the labeling of the concentration
731 of tetrahydrocannabinol and cannabidiol is accurate, and all
732 marijuana is safe for human consumption and free from
733 contaminants that are unsafe for human consumption. The
734 Department of Health shall determine by rule which contaminants
735 must be tested for and the maximum levels of each contaminant
736 which are safe for human consumption. The Department of
737 Agriculture and Consumer Services shall assist the department in
738 developing the testing requirements for contaminants that are

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

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764 The department may select a random sample from edibles available
765 for purchase in a dispensing facility that shall be tested by
766 the department to determine that the edible meets the potency
767 requirements of this section, is safe for human consumption, and
768 the labeling of the tetrahydrocannabinol and cannabidiol
769 concentration is accurate. A medical marijuana treatment center
770 may not require payment from the department for the sample. A
771 medical marijuana treatment center must recall all edibles,
772 including all edibles made from the same batch of marijuana,
773 which fail to meet the potency requirements of this section,
774 which are unsafe for human consumption, or for which the
775 labeling of the tetrahydrocannabinol and cannabidiol
776 concentration is inaccurate. The medical marijuana treatment
777 center must retain records of all testing and samples of each
778 homogenous batch of marijuana for at least 9 months. The medical
779 marijuana treatment center must contract with a marijuana
780 testing laboratory to perform audits on the medical marijuana
781 treatment center's standard operating procedures, testing
782 records, and samples and provide the results to the department
783 to confirm that the marijuana or low-THC cannabis meets the
784 requirements of this section and that the marijuana or low-THC
785 cannabis is safe for human consumption. A medical marijuana
786 treatment center shall reserve two processed samples from each
787 batch and retain such samples for at least 9 months for the
788 purpose such audits. A medical marijuana treatment center may

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789 use a laboratory that has not been certified by the department
790 under s. 381.988 until such time as at least one laboratory
791 holds the required certification, but in no event later than
792 July 1, 2018.

793 d. Package the marijuana in compliance with the United
794 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
795 1471 et seq.

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

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

800 (II) The name of the medical marijuana treatment center
801 from which the marijuana originates.

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

804 (IV) The name of the physician who issued the physician
805 certification.

806 (V) The name of the patient.

807 (VI) The product name, if applicable, and dosage form,
808 including concentration of tetrahydrocannabinol and cannabidiol.
809 The product name may not contain wording commonly associated
810 with products marketed by or to children.

811 (VII) The recommended dose.

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

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814 (IX) A marijuana universal symbol developed by the
815 department.

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

- 819 a. Clinical pharmacology.
820 b. Indications and use.
821 c. Dosage and administration.
822 d. Dosage forms and strengths.
823 e. Contraindications.
824 f. Warnings and precautions.
825 g. Adverse reactions.

826 9. Each edible shall be individually sealed in plain,
827 opaque wrapping marked only with the marijuana universal symbol.
828 Where practical, each edible shall be marked with the marijuana
829 universal symbol. In addition to the packaging and labeling
830 requirements in subparagraphs 7. and 8., edible receptacles must
831 be plain, opaque, and white without depictions of the product or
832 images other than the medical marijuana treatment center's
833 department-approved logo and the marijuana universal symbol. The
834 receptacle must also include a list all of the edible's
835 ingredients, storage instructions, an expiration date, a legible
836 and prominent warning to keep away from children and pets, and a
837 warning that the edible has not been produced or inspected
838 pursuant to federal food safety laws.

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839 10. When dispensing marijuana or a marijuana delivery
840 device, a medical marijuana treatment center:

841 a. May dispense any active, valid order for low-THC
842 cannabis, medical cannabis and cannabis delivery devices issued
843 pursuant to former s. 381.986, Florida Statutes 2016, which was
844 been entered into the medical marijuana use registry before July
845 1, 2017.

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

848 c. Must have the medical marijuana treatment center's
849 employee who dispenses the marijuana or a marijuana delivery
850 device enter into the medical marijuana use registry his or her
851 name or unique employee identifier.

852 d. Must verify that the qualified patient and the
853 caregiver, if applicable, each has an active registration in the
854 medical marijuana use registry and an active and valid medical
855 marijuana use registry identification card, the amount and type
856 of marijuana dispensed matches the physician's certification in
857 the medical marijuana use registry for that qualified patient,
858 and the physician certification has not already been filled.

859 e. May not dispense marijuana to a qualified patient who
860 is younger than 18 years of age. If the qualified patient is
861 younger than 18 years of age, marijuana may only be dispensed to
862 the qualified patient's caregiver.

863 f. May not dispense or sell any other type of cannabis,

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864 alcohol, or illicit drug-related product, including pipes,
865 bongs, or wrapping papers, other than a marijuana delivery
866 device required for the medical use of marijuana and which is
867 specified in a physician certification.

868 g. Must, upon dispensing the marijuana or marijuana
869 delivery device, record in the registry the date, time,
870 quantity, and form of marijuana dispensed; the type of marijuana
871 delivery device dispensed; and the name and medical marijuana
872 use registry identification number of the qualified patient or
873 caregiver to whom the marijuana delivery device was dispensed.

874 (f) To ensure the safety and security of premises where
875 the cultivation, processing, storing, or dispensing of marijuana
876 occurs, and to maintain adequate controls against the diversion,
877 theft, and loss of marijuana or marijuana delivery devices, a
878 medical marijuana treatment center shall:

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

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

885 (I) Cameras are fixed in a place that allows for the clear
886 identification of persons and activities in controlled areas of
887 the premises. Controlled areas include grow rooms, processing
888 rooms, storage rooms, disposal rooms or areas, and point-of-sale

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889 rooms.

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

893 (III) Recorded images must clearly and accurately display
894 the time and date.

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

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

899 3. Not dispense from its premises marijuana or a marijuana
900 delivery device between the hours of 9 p.m. and 7 a.m., but may
901 perform all other operations and deliver marijuana to qualified
902 patients 24 hours a day.

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

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

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

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

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

912 9. Report to local law enforcement within 24 hours after
913 the treatment center is notified or becomes aware of the theft,

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914 diversion, or loss of marijuana.

915 (g) If a medical marijuana treatment center uses a banking
916 institution, the treatment center must maintain all accounts
917 that are directly or indirectly associated with the business of
918 the medical marijuana treatment center at a single bank.

919 (h) To ensure the safe transport of marijuana and
920 marijuana delivery devices to medical marijuana treatment
921 centers, marijuana testing laboratories, or qualified patients,
922 a medical marijuana treatment center must:

923 1. Maintain a marijuana transportation manifest in any
924 vehicle transporting marijuana. The marijuana transportation
925 manifest must be generated from a medical marijuana treatment
926 center's seed-to-sale tracking system and include the:

927 a. Departure date and approximate time of departure.

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

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

931 d. Quantity and form of any marijuana or marijuana
932 delivery device being transported.

933 e. Arrival date and estimated time of arrival.

934 f. Delivery vehicle make and model and license plate
935 number.

936 g. Name and signature of the medical marijuana treatment
937 center employees delivering the product.

938 (I) A copy of the marijuana transportation manifest must

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939 be provided to each individual, medical marijuana treatment
940 center, or marijuana testing laboratory that receives a
941 delivery. The individual, or a representative of the center or
942 laboratory, must sign a copy of the marijuana transportation
943 manifest acknowledging receipt.

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

948 (III) Medical marijuana treatment centers and marijuana
949 testing laboratories must retain copies of all marijuana
950 transportation manifests for at least 3 years.

951 2. Ensure only vehicles in good working order are used to
952 transport marijuana.

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

955 4. Require employees to have possession of their employee
956 identification card at all times when transporting marijuana or
957 marijuana delivery devices.

958 5. Require at least two persons to be in a vehicle
959 transporting marijuana or marijuana delivery devices, and
960 require at least one person to remain in the vehicle while the
961 marijuana or marijuana delivery device is being delivered.

962 6. Provide specific safety and security training to
963 employees transporting or delivering marijuana and marijuana

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964 delivery devices.

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

968 1. The dispensing location of a medical marijuana
969 treatment center may have a sign that is affixed to the outside
970 or hanging in the window of the premises which identifies the
971 dispensary by the licensee's business name, a department-
972 approved trade name, or a department-approved logo. A medical
973 marijuana treatment center's trade name and logo may not contain
974 wording or images commonly associated with marketing targeted
975 toward children or which promote recreational use of marijuana.

976 2. A medical marijuana treatment center may engage in
977 Internet advertising and marketing under the following
978 conditions:

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

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

983 c. An advertisement may not be an unsolicited pop-up
984 advertisement.

985 d. Opt-in marketing must include an easy and permanent
986 opt-out feature.

987 (j) Each medical marijuana treatment center that dispenses
988 marijuana and marijuana delivery devices shall make available to

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989 the public on its website:

990 1. Each marijuana and low-THC product available for
991 purchase, including the form, strain of marijuana from which it
992 was extracted, cannabidiol content, tetrahydrocannabinol
993 content, dose unit, total number of doses available, and the
994 ratio of cannabidiol to tetrahydrocannabinol for each product.

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

997 3. The price for each marijuana delivery device available
998 for purchase.

999 4. If applicable, any discount policies and eligibility
1000 criteria for such discounts.

1001 (k) Medical marijuana treatment centers are the sole
1002 source from which a qualified patient may legally obtain
1003 marijuana.

1004 (l) The department may adopt rules pursuant to ss.
1005 120.536(1) and 120.54 to implement this subsection.

1006 (9) BACKGROUND SCREENING.-An individual required to
1007 undergo a background screening by this section must pass a level
1008 2 background screening as provided under chapter 435, which, in
1009 addition to the disqualifying offenses provided in s. 435.04,
1010 shall exclude an individual who has an arrest awaiting final
1011 disposition for, has been found guilty of, regardless of
1012 adjudication, or has entered a plea of nolo contendere or guilty
1013 to an offense under chapter 837, chapter 895, or chapter 896 or

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1014 similar law of another jurisdiction.

1015 (a) Such individual must submit a full set of fingerprints
1016 to the department or to a vendor, entity, or agency authorized
1017 by s. 943.053(13). The department, vendor, entity, or agency
1018 shall forward the fingerprints to the Department of Law
1019 Enforcement for state processing, and the Department of Law
1020 Enforcement shall forward the fingerprints to the Federal Bureau
1021 of Investigation for national processing.

1022 (b) Fees for state and federal fingerprint processing and
1023 retention shall be borne by the individual. The state cost for
1024 fingerprint processing shall be as provided in s. 943.053(3)(e)
1025 for records provided to persons or entities other than those
1026 specified as exceptions therein.

1027 (c) Fingerprints submitted to the Department of Law
1028 Enforcement pursuant to this subsection shall be retained by the
1029 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1030 (h) and, when the Department of Law Enforcement begins
1031 participation in the program, enrolled in the Federal Bureau of
1032 Investigation's national retained print arrest notification
1033 program. Any arrest record identified shall be reported to the
1034 department.

1035 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1036 ADMINISTRATIVE ACTIONS.—

1037 (a) The department shall conduct announced or unannounced
1038 inspections of medical marijuana treatment centers to determine

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1039 compliance with this section or rules adopted pursuant to this
1040 section.

1041 (b) The department shall inspect a medical marijuana
1042 treatment center upon receiving a complaint or notice that the
1043 medical marijuana treatment center has dispensed marijuana
1044 containing mold, bacteria, or other contaminant that may cause
1045 or has caused an adverse effect to human health or the
1046 environment.

1047 (c) The department shall conduct at least a biennial
1048 inspection of each medical marijuana treatment center to
1049 evaluate the medical marijuana treatment center's records,
1050 personnel, equipment, processes, security measures, sanitation
1051 practices, and quality assurance practices.

1052 (d) The Department of Agriculture and Consumer Services
1053 and the department shall enter into an interagency agreement to
1054 ensure cooperation and coordination in the performance of their
1055 obligations under this section and their respective regulatory
1056 and authorizing laws. The department, the Department of Highway
1057 Safety and Motor Vehicles, and the Department of Law Enforcement
1058 may enter into interagency agreements for the purposes specified
1059 in this subsection.

1060 (e) The department shall publish a list of all approved
1061 medical marijuana treatment centers, medical directors, and
1062 qualified physicians on its website.

1063 (f) The department may impose reasonable fines not to

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1064 exceed \$10,000 on a medical marijuana treatment center for any
1065 of the following violations:

1066 1. Violating this section or department rule.

1067 2. Failing to maintain qualifications for approval.

1068 3. Endangering the health, safety, or security of a
1069 qualified patient.

1070 4. Improperly disclosing personal and confidential
1071 information of the qualified patient.

1072 5. Attempting to procure medical marijuana treatment
1073 center approval by bribery, fraudulent misrepresentation, or
1074 extortion.

1075 6. Being convicted or found guilty of, or entering a plea
1076 of guilty or nolo contendere to, regardless of adjudication, a
1077 crime in any jurisdiction which directly relates to the business
1078 of a medical marijuana treatment center.

1079 7. Making or filing a report or record that the medical
1080 marijuana treatment center knows to be false.

1081 8. Willfully failing to maintain a record required by this
1082 section or department rule.

1083 9. Willfully impeding or obstructing an employee or agent
1084 of the department in the furtherance of his or her official
1085 duties.

1086 10. Engaging in fraud or deceit, negligence, incompetence,
1087 or misconduct in the business practices of a medical marijuana
1088 treatment center.

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1089 11. Making misleading, deceptive, or fraudulent
1090 representations in or related to the business practices of a
1091 medical marijuana treatment center.

1092 12. Having a license or the authority to engage in any
1093 regulated profession, occupation, or business that is related to
1094 the business practices of a medical marijuana treatment center
1095 suspended, revoked, or otherwise acted against by the licensing
1096 authority of any jurisdiction, including its agencies or
1097 subdivisions, for a violation that would constitute a violation
1098 under Florida law.

1099 13. Violating a lawful order of the department or an
1100 agency of the state, or failing to comply with a lawfully issued
1101 subpoena of the department or an agency of the state.

1102 (g) The department may suspend, revoke, or refuse to renew
1103 a medical marijuana treatment center license if the treatment
1104 center commits any of the violations in paragraph (f).

1105 (h) The department may adopt rules pursuant to ss.
1106 120.536(1) and 120.54 to implement this subsection.

1107 (11) PREEMPTION.—Regulation of cultivation, processing,
1108 and delivery of marijuana by medical marijuana treatment centers
1109 is preempted to the state except as provided in this subsection.

1110 (a) A medical marijuana treatment center cultivating or
1111 processing facility may not be located within 500 feet of the
1112 real property that comprises a public or private elementary
1113 school, middle school, or secondary school.

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1114 (b) A municipality may determine by ordinance the criteria
1115 for the number and location of, and other permitting
1116 requirements that do not conflict with state law or department
1117 rule for, medical marijuana treatment center dispensing
1118 facilities located within the boundaries of the municipality. A
1119 county may determine by ordinance the criteria for the number
1120 and location of, and other permitting requirements that do not
1121 conflict with state law or department rule for, all such
1122 dispensing facilities located within the unincorporated areas of
1123 that county. However, a medical marijuana treatment center
1124 dispensing facility may not be located within 500 feet of the
1125 real property that comprises a public or private elementary
1126 school, middle school, or secondary school unless the county or
1127 municipality approves the location through a formal proceeding
1128 open to the public at which the county or municipality
1129 determines that the location promotes the public health, safety,
1130 and general welfare of the community. A municipality or county
1131 may not enact ordinances determining the location of dispensing
1132 facilities which are less restrictive than in which the county or
1133 municipality determines that the location promotes the public
1134 health, safety, and general welfare of the community. A
1135 municipality or county may not enact ordinances determining the
1136 location of dispensing facilities which are less restrictive
1137 than its ordinances determining the location of entities
1138 licensed to sell alcoholic beverages that predominantly or

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1139 wholly serve alcoholic beverages for on-site consumption, in
1140 which the serving of food, if any, is merely incidental to the
1141 consumption of alcoholic beverages. A dispensing facility
1142 location approved by a municipality or county pursuant to former
1143 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1144 location requirements of this paragraph.

1145 (c) A municipality or county may not charge a medical
1146 marijuana treatment center a license or permit fee in an amount
1147 greater than the fee charged by such municipality or county to
1148 pharmacies.

1149 (d) This subsection does not prohibit any local
1150 jurisdiction from ensuring medical marijuana treatment center
1151 facilities comply with the Florida Building Code, the Florida
1152 Fire Prevention Code, or any local amendments to the Florida
1153 Building Code or the Florida Fire Prevention Code.

1154 (e) A municipality may determine by ordinance the location
1155 of medical marijuana treatment center cultivation and processing
1156 located within the boundaries of the municipality. A county may
1157 determine by ordinance the location of medical marijuana
1158 treatment center cultivation and processing located within the
1159 unincorporated areas of that county. A municipality or county
1160 may not prohibit the cultivation and processing of marijuana
1161 from occurring at the same location. A municipality or county
1162 may not enact an ordinance that has the effect of banning
1163 medical marijuana treatment center cultivation and processing

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1164 from occurring within the municipality or county.

1165 (12) PENALTIES.—

1166 (a) A qualified physician commits a misdemeanor of the
1167 first degree, punishable as provided in s. 775.082 or s.
1168 775.083, if the qualified physician issues a physician
1169 certification for the medical use of marijuana for a patient
1170 without a reasonable belief that the patient is suffering from a
1171 qualifying medical condition.

1172 (b) A person who fraudulently represents that he or she
1173 has a qualifying medical condition to a qualified physician for
1174 the purpose of being issued a physician certification commits a
1175 misdemeanor of the first degree, punishable as provided in s.
1176 775.082 or s. 775.083.

1177 (c) A qualified patient who uses marijuana, not including
1178 low-THC cannabis, or a caregiver who administers marijuana, not
1179 including low-THC cannabis, in plain view of or in a place open
1180 to the general public; in a school bus, a vehicle, an aircraft,
1181 or a boat; or on the grounds of a school except as provided in
1182 s. 1006.062, commits a misdemeanor of the first degree,
1183 punishable as provided in s. 775.082 or s. 775.083.

1184 (d) A qualified patient or caregiver who cultivates
1185 marijuana or who purchases or acquires marijuana from any person
1186 or entity other than a medical marijuana treatment center
1187 violates s. 893.13 and is subject to the penalties provided
1188 therein.

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1189 (e)1. A qualified patient or caregiver in possession of
1190 marijuana or a marijuana delivery device who fails or refuses to
1191 present his or her marijuana use registry identification card
1192 upon the request of a law enforcement officer commits a
1193 misdemeanor of the second degree, punishable as provided in s.
1194 775.082 or s. 775.083, unless it can be determined through the
1195 medical marijuana use registry that the person is authorized to
1196 be in possession of that marijuana or marijuana delivery device.

1197 2. A person charged with a violation of this paragraph may
1198 not be convicted if, prior to, before, or at the time of his or
1199 her court or hearing appearance, the person produces in court or
1200 to the clerk of the court in which the charge is pending a
1201 medical marijuana use registry identification card issued to him
1202 or her which is valid at the time of his or her arrest. The
1203 clerk of the court is authorized to dismiss such case at any
1204 time before the defendant's appearance in court. The clerk of
1205 the court may assess a fee of \$5 for dismissing the case under
1206 this paragraph.

1207 (f) A caregiver who violates any of the applicable
1208 provisions of this section or applicable department rules, for
1209 the first offense, commits a misdemeanor of the second degree,
1210 punishable as provided in s. 775.082 or s. 775.083 and, for a
1211 second or subsequent offense, commits a misdemeanor of the first
1212 degree, punishable as provided in s. 775.082 or s. 775.083.

1213 (g) A qualified physician who issues a physician

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1214 certification for marijuana or a marijuana delivery device and
1215 receives compensation from a medical marijuana treatment center
1216 related to the issuance of a physician certification for
1217 marijuana or a marijuana delivery device is subject to
1218 disciplinary action under the applicable practice act and s.
1219 456.072 (1) (n) .

1220 (h) A person transporting marijuana or marijuana delivery
1221 devices on behalf of a medical marijuana treatment center or
1222 marijuana testing laboratory who fails or refuses to present a
1223 transportation manifest upon the request of a law enforcement
1224 officer commits a misdemeanor of the second degree, punishable
1225 as provided in s. 775.082 or s. 775.083.

1226 (i) Persons and entities conducting activities authorized
1227 and governed by this section and s. 381.988 are subject to the
1228 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1229 (j) A person or entity that cultivates, processes,
1230 distributes, sells, or dispenses marijuana, as defined in s.
1231 29(b) (4), Art. X of the State Constitution, and is not licensed
1232 as a medical marijuana treatment center violates s. 893.13 and
1233 is subject to the penalties provided therein.

1234 (13) UNLICENSED ACTIVITY.-

1235 (a) If the department has probable cause to believe that a
1236 person or entity that is not registered or licensed with the
1237 department has violated this section, s. 381.988, or any rule
1238 adopted pursuant to this section, the department may issue and

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1239 deliver to such person or entity a notice to cease and desist
1240 from such violation. The department also may issue and deliver a
1241 notice to cease and desist to any person or entity who aids and
1242 abets such unlicensed activity. The issuance of a notice to
1243 cease and desist does not constitute agency action for which a
1244 hearing under s. 120.569 or s. 120.57 may be sought. For the
1245 purpose of enforcing a cease and desist order, the department
1246 may file a proceeding in the name of the state seeking issuance
1247 of an injunction or a writ of mandamus against any person or
1248 entity who violates any provisions of such order.

1249 (b) In addition to the remedies under paragraph (a), the
1250 department may impose by citation an administrative penalty not
1251 to exceed \$5,000 per incident. The citation shall be issued to
1252 the subject and shall contain the subject's name and any other
1253 information the department determines to be necessary to
1254 identify the subject, a brief factual statement, the sections of
1255 the law allegedly violated, and the penalty imposed. If the
1256 subject does not dispute the matter in the citation with the
1257 department within 30 days after the citation is served, the
1258 citation shall become a final order of the department. The
1259 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1260 to implement this section. Each day that the unlicensed activity
1261 continues after issuance of a notice to cease and desist
1262 constitutes a separate violation. The department shall be
1263 entitled to recover the costs of investigation and prosecution

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1264 in addition to the fine levied pursuant to the citation. Service
1265 of a citation may be made by personal service or by mail to the
1266 subject at the subject's last known address or place of
1267 practice. If the department is required to seek enforcement of
1268 the cease and desist or agency order, it shall be entitled to
1269 collect attorney fees and costs.

1270 (c) In addition to or in lieu of any other administrative
1271 remedy, the department may seek the imposition of a civil
1272 penalty through the circuit court for any violation for which
1273 the department may issue a notice to cease and desist. The civil
1274 penalty shall be no less than \$5,000 and no more than \$10,000
1275 for each offense. The court may also award to the prevailing
1276 party court costs and reasonable attorney fees and, in the event
1277 the department prevails, may also award reasonable costs of
1278 investigation and prosecution.

1279 (d) In addition to the other remedies provided in this
1280 section, the department or any state attorney may bring an
1281 action for an injunction to restrain any unlicensed activity or
1282 to enjoin the future operation or maintenance of the unlicensed
1283 activity or the performance of any service in violation of this
1284 section until compliance with this section and department rules
1285 has been demonstrated to the satisfaction of the department.

1286 (e) The department must notify local law enforcement of
1287 such unlicensed activity for a determination of any criminal
1288 violation of chapter 893.

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1289 (14) EXCEPTIONS TO OTHER LAWS.—

1290 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1291 any other provision of law, but subject to the requirements of
1292 this section, a qualified patient and the qualified patient's
1293 caregiver may purchase from a medical marijuana treatment center
1294 for the patient's medical use a marijuana delivery device and up
1295 to the amount of marijuana authorized in the physician
1296 certification, but may not possess more than a 70-day supply of
1297 marijuana at any given time and all marijuana purchased must
1298 remain in its original packaging.

1299 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1300 any other provision of law, but subject to the requirements of
1301 this section, an approved medical marijuana treatment center and
1302 its owners, managers, and employees may manufacture, possess,
1303 sell, deliver, distribute, dispense, and lawfully dispose of
1304 marijuana or a marijuana delivery device as provided in this
1305 section, s. 381.988, and by department rule. For purposes of
1306 this subsection, the terms "manufacture," "possession,"
1307 "deliver," "distribute," and "dispense" have the same meanings
1308 as provided in s. 893.02.

1309 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1310 any other provision of law, but subject to the requirements of
1311 this section, a certified marijuana testing laboratory,
1312 including an employee of a certified marijuana testing
1313 laboratory acting within the scope of his or her employment, may

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1314 acquire, possess, test, transport, and lawfully dispose of
1315 marijuana as provided in this section, in s. 381.988, and by
1316 department rule.

1317 (d) A licensed medical marijuana treatment center and its
1318 owners, managers, and employees are not subject to licensure or
1319 regulation under chapter 465 or chapter 499 for manufacturing,
1320 possessing, selling, delivering, distributing, dispensing, or
1321 lawfully disposing of marijuana or a marijuana delivery device,
1322 as provided in this section, s. 381.988, and by department rule.

1323 (e) This subsection does not exempt a person from
1324 prosecution for a criminal offense related to impairment or
1325 intoxication resulting from the medical use of marijuana or
1326 relieve a person from any requirement under law to submit to a
1327 breath, blood, urine, or other test to detect the presence of a
1328 controlled substance.

1329 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1330 any other provision of law, but subject to the requirements of
1331 this section and pursuant to policies and procedures established
1332 pursuant to s. 1006.62(8), school personnel may possess
1333 marijuana that is obtained for medical use pursuant to this
1334 section by a student who is a qualified patient.

1335 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1336 any other provision of law, but subject to the requirements of
1337 this section, a research institute established by a public
1338 postsecondary educational institution, such as the H. Lee

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1339 Moffitt Cancer Center and Research Institute established under
1340 s. 1004.43, or a state university that has achieved the
1341 preeminent state research university designation under s.
1342 1001.7065 may possess, test, transport, and lawfully dispose of
1343 marijuana for research purposes as provided by this section.

1344 (15) APPLICABILITY.—This section does not limit the
1345 ability of an employer to establish, continue, or enforce a
1346 drug-free workplace program or policy. This section does not
1347 require an employer to accommodate the medical use of marijuana
1348 in any workplace or any employee working while under the
1349 influence of marijuana. This section does not create a cause of
1350 action against an employer for wrongful discharge or
1351 discrimination.

1352 Section 3. Paragraph (uu) is added to subsection (1) of
1353 section 458.331, Florida Statutes, to read:

1354 458.331 Grounds for disciplinary action; action by the
1355 board and department.—

1356 (1) The following acts constitute grounds for denial of a
1357 license or disciplinary action, as specified in s. 456.072(2):

1358 (uu) Issuing a physician certification, as defined in s.
1359 381.986, in a manner out of compliance with the requirements of
1360 that section and rules adopted thereunder.

1361 Section 4. Paragraph (ww) is added to subsection (1) of
1362 section 459.015, Florida Statutes, to read:

1363 459.015 Grounds for disciplinary action; action by the

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1364 board and department.-

1365 (1) The following acts constitute grounds for denial of a
1366 license or disciplinary action, as specified in s. 456.072(2):

1367 (ww) Issuing a physician certification, as defined in s.
1368 381.986, in a manner not in compliance with the requirements of
1369 that section and rules adopted thereunder.

1370 Section 5. Section 381.988, Florida Statutes, is created
1371 to read:

1372 381.988 Medical marijuana testing laboratories; marijuana
1373 tests conducted by a certified laboratory.-

1374 (1) A person or entity seeking to be a certified marijuana
1375 testing laboratory must:

1376 (a) Not be owned or controlled by a medical marijuana
1377 treatment center.

1378 (b) Submit a completed application accompanied by an
1379 application fee, as established by department rule.

1380 (c) Submit proof of an accreditation or a certification
1381 approved by the department issued by an accreditation or a
1382 certification organization approved by the department. The
1383 department shall adopt by rule a list of approved laboratory
1384 accreditations or certifications and accreditation or
1385 certification organizations.

1386 (d) Require all owners and managers to submit to and pass
1387 a level 2 background screening pursuant to s. 435.04 and shall
1388 deny certification if the person or entity has been found guilty

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1389 of, or has entered a plea of guilty or nolo contendere to,
1390 regardless of adjudication, any offense listed in chapter 837,
1391 chapter 895, or chapter 896 or similar law of another
1392 jurisdiction.

1393 1. Such owners and managers must submit a full set of
1394 fingerprints to the department or to a vendor, entity, or agency
1395 authorized by s. 943.053(13). The department, vendor, entity, or
1396 agency shall forward the fingerprints to the Department of Law
1397 Enforcement for state processing, and the Department of Law
1398 Enforcement shall forward the fingerprints to the Federal Bureau
1399 of Investigation for national processing.

1400 2. Fees for state and federal fingerprint processing and
1401 retention shall be borne by such owners or managers. The state
1402 cost for fingerprint processing shall be as provided in s.
1403 943.053(3) (e) for records provided to persons or entities other
1404 than those specified as exceptions therein.

1405 3. Fingerprints submitted to the Department of Law
1406 Enforcement pursuant to this paragraph shall be retained by the
1407 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1408 (h) and, when the Department of Law Enforcement begins
1409 participation in the program, enrolled in the Federal Bureau of
1410 Investigation's national retained print arrest notification
1411 program. Any arrest record identified shall be reported to the
1412 department.

1413 (e) Demonstrate to the department the capability of

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1414 meeting the standards for certification required by this
1415 subsection, and the testing requirements of s. 381.986 and this
1416 section and rules adopted thereunder.

1417 (2) The department shall adopt rules pursuant to ss.
1418 120.536(1) and 120.54 establishing a procedure for initial
1419 certification and biennial renewal, including initial
1420 application and biennial renewal fees sufficient to cover the
1421 costs of administering this certification program. The
1422 department shall renew the certification biennially if the
1423 laboratory meets the requirements of this section and pays the
1424 biennial renewal fee.

1425 (3) The department shall adopt rules pursuant to ss.
1426 120.536(1) and 120.54 establishing the standards for
1427 certification of marijuana testing laboratories under this
1428 section. The Department of Agriculture and Consumer Services and
1429 the Department of Environmental Protection shall assist the
1430 department in developing the rule, which must include, but is
1431 not limited to:

1432 (a) Security standards.

1433 (b) Minimum standards for personnel.

1434 (c) Sample collection method and process standards.

1435 (d) Proficiency testing for tetrahydrocannabinol potency,
1436 concentration of cannabidiol, and contaminants unsafe for human
1437 consumption, as determined by department rule.

1438 (e) Reporting content, format, and frequency.

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- 1439 (f) Audits and onsite inspections.
- 1440 (g) Quality assurance.
- 1441 (h) Equipment and methodology.
- 1442 (i) Chain of custody.
- 1443 (j) Any other standard the department deems necessary to
1444 ensure the health and safety of the public.
- 1445 (4) A marijuana testing laboratory may acquire marijuana
1446 only from a medical marijuana treatment center. A marijuana
1447 testing laboratory is prohibited from selling, distributing, or
1448 transferring marijuana received from a marijuana treatment
1449 center, except that a marijuana testing laboratory may transfer
1450 a sample to another marijuana testing laboratory in this state.
- 1451 (5) A marijuana testing laboratory must properly dispose
1452 of all samples it receives, unless transferred to another
1453 marijuana testing laboratory, after all necessary tests have
1454 been conducted and any required period of storage has elapsed,
1455 as established by department rule.
- 1456 (6) A marijuana testing laboratory shall use the computer
1457 software tracking system selected by the department under s.
1458 381.986.
- 1459 (7) The following acts constitute grounds for which
1460 disciplinary action specified in subsection (8) may be taken
1461 against a certified marijuana testing laboratory:
- 1462 (a) Permitting unauthorized persons to perform technical
1463 procedures or issue reports.

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1464 (b) Demonstrating incompetence or making consistent errors
1465 in the performance of testing or erroneous reporting.

1466 (c) Performing a test and rendering a report thereon to a
1467 person or entity not authorized by law to receive such services.

1468 (d) Failing to file any report required under this section
1469 or s. 381.986 or the rules adopted thereunder.

1470 (e) Reporting a test result if the test was not performed.

1471 (f) Failing to correct deficiencies within the time
1472 required by the department.

1473 (g) Violating or aiding and abetting in the violation of
1474 any provision of s. 381.986 or this section or any rules adopted
1475 thereunder.

1476 (8) The department may refuse to issue or renew, or may
1477 suspend or revoke, the certification of a marijuana testing
1478 laboratory that is found to be in violation of this section or
1479 any rules adopted hereunder. The department may impose fines for
1480 violations of this section or rules adopted thereunder, based on
1481 a schedule adopted in rule. In determining the administrative
1482 action to be imposed for a violation, the department must
1483 consider the following factors:

1484 (a) The severity of the violation, including the
1485 probability of death or serious harm to the health or safety of
1486 any person that may result or has resulted; the severity or
1487 potential harm; and the extent to which the provisions of s.
1488 381.986 or this section were violated.

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1489 (b) The actions taken by the marijuana testing laboratory
1490 to correct the violation or to remedy the complaint.

1491 (c) Any previous violation by the marijuana testing
1492 laboratory.

1493 (d) The financial benefit to the marijuana testing
1494 laboratory of committing or continuing the violation.

1495 (9) The department may adopt rules pursuant to ss.
1496 120.536(1) and 120.54 to implement this section.

1497 Section 6. Section 381.989, Florida Statutes, is created
1498 to read:

1499 381.989 Public education campaigns.—

1500 (1) DEFINITIONS.—As used in this section, the term:

1501 (a) "Cannabis" has the same meaning as in s. 893.02.

1502 (b) "Department" means the Department of Health.

1503 (c) "Marijuana" has the same meaning as in s. 381.986.

1504 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1505 USE PREVENTION CAMPAIGN.—

1506 (a) The department shall implement a statewide cannabis
1507 and marijuana education and illicit use prevention campaign to
1508 publicize accurate information regarding:

1509 1. The short-term and long-term health effects of cannabis
1510 and marijuana use, particularly on minors and young adults.

1511 2. The legal requirements for licit use and possession of
1512 marijuana in this state.

1513 3. Safe use of marijuana, including preventing access by

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1514 persons other than qualified patients as defined in s. 381.986,
1515 particularly children.

1516 4. Other cannabis-related and marijuana-related education
1517 determined by the department to be necessary to the public
1518 health and safety.

1519 (b) The department may use television messaging, radio
1520 broadcasts, print media, digital strategies, social media, and
1521 any other form of messaging deemed necessary and appropriate by
1522 the department to implement the campaign. The department may
1523 work with school districts, community organizations, and
1524 businesses and business organizations and other entities to
1525 provide training and programming.

1526 (c) The department may contract with one or more vendors
1527 to implement the campaign.

1528 (d) The department shall contract with an independent
1529 entity to conduct annual evaluations of the campaign. The
1530 evaluations shall assess the reach and impact of the campaign,
1531 success in educating the citizens of the state regarding the
1532 legal parameters for marijuana use, success in preventing
1533 illicit access by adults and youth, and success in preventing
1534 negative health impacts from the legalization of marijuana. The
1535 first year of the program, the evaluator shall conduct surveys
1536 to establish baseline data on youth and adult cannabis use, the
1537 attitudes of youth and the general public toward cannabis and
1538 marijuana, and any other data deemed necessary for long-term

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1539 analysis. By January 31 of each year, the department shall
1540 submit to the Governor, the President of the Senate, and the
1541 Speaker of the House of Representatives the annual evaluation of
1542 the campaign.

1543 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1544 (a) The Department of Highway Safety and Motor Vehicles
1545 shall implement a statewide impaired driving education campaign
1546 to raise awareness and prevent marijuana-related and cannabis-
1547 related impaired driving and may contract with one or more
1548 vendors to implement the campaign. The Department of Highway
1549 Safety and Motor Vehicles may use television messaging, radio
1550 broadcasts, print media, digital strategies, social media, and
1551 any other form of messaging deemed necessary and appropriate by
1552 the department to implement the campaign.

1553 (b) At a minimum, the Department of Highway Safety and
1554 Motor Vehicles or a contracted vendor shall establish baseline
1555 data on the number of marijuana-related citations for driving
1556 under the influence, marijuana-related traffic arrests,
1557 marijuana-related traffic accidents, and marijuana-related
1558 traffic fatalities, and shall track these measures annually
1559 thereafter. The Department of Highway Safety and Motor Vehicles
1560 or a contracted vendor shall annually evaluate and compile a
1561 report on the efficacy of the campaign based on those measures
1562 and other measures established by the Department of Highway
1563 Safety and Motor Vehicles. By January 31 of each year, the

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1564 Department of Highway Safety and Motor Vehicles shall submit the
1565 report on the evaluation of the campaign to the Governor, the
1566 President of the Senate, and the Speaker of the House of
1567 Representatives.

1568 Section 7. Subsection (1) of section 385.211, Florida
1569 Statutes, is amended to read:

1570 385.211 Refractory and intractable epilepsy treatment and
1571 research at recognized medical centers.—

1572 (1) As used in this section, the term "low-THC cannabis"
1573 means "low-THC cannabis" as defined in s. 381.986 that is
1574 dispensed only from a dispensing organization as defined in
1575 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1576 treatment center as defined in s. 381.986.

1577 Section 8. Paragraphs (b) through (e) of subsection (2) of
1578 section 499.0295, Florida Statutes, are redesignated as
1579 paragraphs (a) through (d), respectively, and present paragraphs
1580 (a) and (c) of that subsection, and subsection (3) of that
1581 section are amended to read:

1582 499.0295 Experimental treatments for terminal conditions.—

1583 (2) As used in this section, the term:

1584 ~~(a) "Dispensing organization" means an organization~~
1585 ~~approved by the Department of Health under s. 381.986(5) to~~
1586 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1587 ~~medical cannabis, and cannabis delivery devices.~~

1588 (b)(e) "Investigational drug, biological product, or

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1589 device" means:

1590 ~~1. a drug, biological product, or device that has~~
1591 ~~successfully completed phase 1 of a clinical trial but has not~~
1592 ~~been approved for general use by the United States Food and Drug~~
1593 ~~Administration and remains under investigation in a clinical~~
1594 ~~trial approved by the United States Food and Drug~~
1595 ~~Administration; or~~

1596 ~~2. Medical cannabis that is manufactured and sold by a~~
1597 ~~dispensing organization.~~

1598 (3) Upon the request of an eligible patient, a
1599 manufacturer may, ~~or upon a physician's order pursuant to s.~~
1600 ~~381.986, a dispensing organization may:~~

1601 (a) Make its investigational drug, biological product, or
1602 device available under this section.

1603 (b) Provide an investigational drug, biological product,
1604 or device, ~~or cannabis delivery device as defined in s. 381.986~~
1605 to an eligible patient without receiving compensation.

1606 (c) Require an eligible patient to pay the costs of, or
1607 the costs associated with, the manufacture of the
1608 investigational drug, biological product, or device, ~~or cannabis~~
1609 ~~delivery device as defined in s. 381.986.~~

1610 Section 9. Subsection (3) of section 893.02, Florida
1611 Statutes, is amended to read:

1612 893.02 Definitions.—The following words and phrases as
1613 used in this chapter shall have the following meanings, unless

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1614 the context otherwise requires:

1615 (3) "Cannabis" means all parts of any plant of the genus
1616 Cannabis, whether growing or not; the seeds thereof; the resin
1617 extracted from any part of the plant; and every compound,
1618 manufacture, salt, derivative, mixture, or preparation of the
1619 plant or its seeds or resin. The term does not include
1620 "marijuana," "low-THC cannabis," as defined in s. 381.986, if
1621 manufactured, possessed, sold, purchased, delivered,
1622 distributed, or dispensed, in conformance with s. 381.986.

1623 Section 10. Section 1004.4351, Florida Statutes, is created
1624 to read:

1625 1004.4351 Medical marijuana research and education.-

1626 (1) SHORT TITLE.-This section shall be known and may be
1627 cited as the "Medical Marijuana Research and Education Act."

1628 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

1629 (a) The present state of knowledge concerning the use of
1630 marijuana to alleviate pain and treat illnesses is limited
1631 because permission to perform clinical studies on marijuana is
1632 difficult to obtain, with access to research-grade marijuana so
1633 restricted that little or no unbiased studies have been
1634 performed.

1635 (b) Under the State Constitution, marijuana is available
1636 for the treatment of certain debilitating medical conditions.

1637 (c) Additional clinical studies are needed to ensure that
1638 the residents of this state obtain the correct dosing,

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1639 formulation, route, modality, frequency, quantity, and quality
1640 of marijuana for specific illnesses.

1641 (d) An effective medical marijuana research and education
1642 program would mobilize the scientific, educational, and medical
1643 resources that presently exist in this state to determine the
1644 appropriate and best use of marijuana to treat illness.

1645 (3) DEFINITIONS.—As used in this section, the term:

1646 (a) "Board" means the Medical Marijuana Research and
1647 Education Board.

1648 (b) "Coalition" means the Coalition for Medical Marijuana
1649 Research and Education.

1650 (c) "Marijuana" has the same meaning as provided in s. 29,
1651 Art. X of the State Constitution.

1652 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1653 EDUCATION.—

1654 (a) There is established within the H. Lee Moffitt Cancer
1655 Center and Research Institute, Inc., the Coalition for Medical
1656 Marijuana Research and Education. The purpose of the coalition
1657 is to conduct rigorous scientific research, provide education,
1658 disseminate research, and guide policy for the adoption of a
1659 statewide policy on ordering and dosing practices for the
1660 medical use of marijuana. The coalition shall be physically
1661 located at the H. Lee Moffitt Cancer Center and Research
1662 Institute, Inc.

1663 (b) The Medical Marijuana Research and Education Board is

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1664 established to direct the operations of the coalition. The board
1665 shall be composed of seven members appointed by the chief
1666 executive officer of the H. Lee Moffitt Cancer Center and
1667 Research Institute, Inc. Board members must have experience in a
1668 variety of scientific and medical fields, including, but not
1669 limited to, oncology, neurology, psychology, pediatrics,
1670 nutrition, and addiction. Members shall be appointed to 4-year
1671 terms and may be reappointed to serve additional terms. The
1672 chair shall be elected by the board from among its members to
1673 serve a 2-year term. The board shall meet no less than
1674 semiannually at the call of the chair or, in his or her absence
1675 or incapacity, the vice chair. Four members constitute a quorum.
1676 A majority vote of the members present is required for all
1677 actions of the board. The board may prescribe, amend, and repeal
1678 a charter governing the manner in which it conducts its
1679 business. A board member shall serve without compensation but is
1680 entitled to be reimbursed for travel expenses by the coalition
1681 or the organization he or she represents in accordance with s.
1682 112.061.

1683 (c) The coalition shall be administered by a coalition
1684 director, who shall be appointed by and serve at the pleasure of
1685 the board. The coalition director shall, subject to the approval
1686 of the board:

- 1687 1. Propose a budget for the coalition.
1688 2. Foster the collaboration of scientists, researchers,

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1689 and other appropriate personnel in accordance with the
1690 coalition's charter.

1691 3. Identify and prioritize the research to be conducted by
1692 the coalition.

1693 4. Prepare the Medical Marijuana Research and Education
1694 Plan for submission to the board.

1695 5. Apply for grants to obtain funding for research
1696 conducted by the coalition.

1697 6. Perform other duties as determined by the board.

1698 (d) The board shall advise the Board of Governors, the
1699 State Surgeon General, the Governor, and the Legislature with
1700 respect to medical marijuana research and education in this
1701 state. The board shall explore methods of implementing and
1702 enforcing medical marijuana laws in relation to cancer control,
1703 research, treatment, and education.

1704 (e) The board shall annually adopt a plan for medical
1705 marijuana research, known as the "Medical Marijuana Research and
1706 Education Plan," which must be in accordance with state law and
1707 coordinate with existing programs in this state. The plan must
1708 include recommendations for the coordination and integration of
1709 medical, nursing, paramedical, community, and other resources
1710 connected with the treatment of debilitating medical conditions;
1711 research related to the treatment of such medical conditions;
1712 and education.

1713 (f) By February 15 of each year, the board shall issue a

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1714 report to the Governor, the President of the Senate, and the
1715 Speaker of the House of Representatives on research projects,
1716 community outreach initiatives, and future plans for the
1717 coalition.

1718 (g) Beginning January 15, 2018, and quarterly thereafter,
1719 the Department of Health shall submit to the board a data set
1720 that includes, for each patient registered in the medical
1721 marijuana use registry, the patient's qualifying medical
1722 condition and the daily dose amount and forms of marijuana
1723 certified for the patient.

1724 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1725 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1726 and Research Institute, Inc., shall allocate staff and provide
1727 information and assistance, as the coalition's budget permits,
1728 to assist the board in fulfilling its responsibilities.

1729 Section 11. Subsection (1) of section 1004.441, Florida
1730 Statutes, is amended to read:

1731 1004.441 Refractory and intractable epilepsy treatment and
1732 research.—

1733 (1) As used in this section, the term "low-THC cannabis"
1734 means "low-THC cannabis" as defined in s. 381.986 that is
1735 dispensed only from a dispensing organization as defined in
1736 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1737 treatment center as defined in s. 381.986.

1738 Section 12. Subsection (8) is added to section 1006.062,

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1739 Florida Statutes, to read:

1740 1006.062 Administration of medication and provision of
1741 medical services by district school board personnel.—

1742 (8) Each district school board shall adopt a policy and a
1743 procedure for allowing a student who is a qualified patient, as
1744 defined in s. 381.986, to use marijuana obtained pursuant to
1745 that section. Such policy and procedure shall ensure access by
1746 the qualified patient; identify how the marijuana will be
1747 received, accounted for, and stored; and establish processes to
1748 prevent access by other students and school personnel
1749 unnecessary to the implementation of the policy.

1750 Section 13. Department of Health; authority to adopt
1751 rules; cause of action.—

1752 (1) EMERGENCY RULEMAKING.—

1753 (a) The Department of Health and the applicable boards
1754 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1755 Statutes, and this section necessary to implement ss. 381.986
1756 and 381.988, Florida Statutes. If an emergency rule adopted
1757 under this section is held to be unconstitutional or an invalid
1758 exercise of delegated legislative authority, and becomes void,
1759 the department or the applicable boards may adopt an emergency
1760 rule pursuant to this section to replace the rule that has
1761 become void. If the emergency rule adopted to replace the void
1762 emergency rule is also held to be unconstitutional or an invalid
1763 exercise of delegated legislative authority and becomes void,

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1764 the department and the applicable boards must follow the
1765 nonemergency rulemaking procedures of the Administrative
1766 Procedures Act to replace the rule that has become void.

1767 (b) For emergency rules adopted under this section, the
1768 department and the applicable boards need not make the findings
1769 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1770 adopted under this section are exempt from ss. 120.54(3)(b) and
1771 120.541, Florida Statutes. The department and the applicable
1772 boards shall meet the procedural requirements in s. 120.54(a),
1773 Florida Statutes, if the department or the applicable boards
1774 have, prior to the effective date of this act, held any public
1775 workshops or hearings on the subject matter of the emergency
1776 rules adopted under this subsection. Challenges to emergency
1777 rules adopted under this subsection shall be subject to the time
1778 schedules provided in s. 120.56(5), Florida Statutes.

1779 (c) Emergency rules adopted under this section are exempt
1780 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1781 effect until replaced by rules adopted under the nonemergency
1782 rulemaking procedures of the Administrative Procedures Act. By
1783 January 1, 2018, the department and the applicable boards shall
1784 initiate nonemergency rulemaking pursuant to the Administrative
1785 Procedures Act to replace all emergency rules adopted under this
1786 section by publishing a notice of rule development in the
1787 Florida Administrative Register. Except as provided in paragraph
1788 (a), after January 1, 2018, the department and applicable boards

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1789 may not adopt rules pursuant to the emergency rulemaking
1790 procedures provided in this section.

1791 (2) CAUSE OF ACTION.—

1792 (a) As used in s. 29(d)(3), Art. X of the State
1793 Constitution, the term:

1794 1. "Issue regulations" means the filing by the department
1795 of a rule or emergency rule for adoption with the Department of
1796 State.

1797 2. "Judicial relief" means an action for declaratory
1798 judgment pursuant to chapter 86, Florida Statutes.

1799 (b) The venue for actions brought against the department
1800 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1801 be in the circuit court in and for Leon County.

1802 (c) If the department is not issuing patient and caregiver
1803 identification cards or licensing medical marijuana treatment
1804 centers by October 3, 2017, the following shall be a defense to
1805 a cause of action brought under s. 29(d)(3), Art. X of the State
1806 Constitution:

1807 1. The department is unable to issue patient and caregiver
1808 identification cards or license medical marijuana treatment
1809 centers due to litigation challenging a rule as an invalid
1810 exercise of delegated legislative authority or unconstitutional.

1811 2. The department is unable to issue patient or caregiver
1812 identification cards or license medical marijuana treatment
1813 centers due to a rule being held as an invalid exercise of

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1814 delegated legislative authority or unconstitutional.

1815 Section 14. Department of Law Enforcement; training
1816 related to medical use of marijuana.-The Department of Law
1817 Enforcement shall develop a 4-hour online initial training
1818 course, and a 2-hour online continuing education course, which
1819 shall be made available for use by all law enforcement agencies
1820 in this state. Such training shall cover the legal parameters of
1821 marijuana-related activities governed by ss. 381.986 and
1822 381.988, Florida Statutes, relating to criminal laws governing
1823 marijuana.

1824 Section 15. Section 385.212, Florida Statutes, is amended
1825 to read:

1826 385.212 Powers and duties of the Department of Health;
1827 Office of Medical Marijuana ~~Compassionate~~ Use.-

1828 (1) The Department of Health shall establish an Office of
1829 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1830 Deputy State Health Officer.

1831 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
1832 enhance access to investigational new drugs for Florida patients
1833 through approved clinical treatment plans or studies. The Office
1834 of Medical Marijuana ~~Compassionate~~ Use may:

1835 (a) Create a network of state universities and medical
1836 centers recognized pursuant to s. 381.925.

1837 (b) Make any necessary application to the United States
1838 Food and Drug Administration or a pharmaceutical manufacturer to

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1839 facilitate enhanced access to medical ~~compassionate~~ use of
1840 marijuana for Florida patients.

1841 (c) Enter into any agreements necessary to facilitate
1842 enhanced access to medical ~~compassionate~~ use of marijuana for
1843 Florida patients.

1844 (3) The department may adopt rules necessary to implement
1845 this section.

1846 (4) The Office of Medical Marijuana Use shall administer
1847 and enforce the provisions of s. 381.986.

1848 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
1849 time equivalent positions, with associated salary rate of
1850 2,198,860, are authorized and the sums of \$3.5 million in
1851 nonrecurring funds from the General Revenue Fund and \$4,055,292
1852 in recurring funds and \$1,238,148 in nonrecurring funds from the
1853 Grants and Donations Trust Fund are appropriated to the
1854 Department of Health for the purpose of implementing the
1855 requirements of this act. Of the funds appropriated, \$3,158,572
1856 in recurring funds and \$1,238,148 in nonrecurring funds from the
1857 Grants and Donations Trust Fund and 27 full-time equivalent
1858 positions shall be placed in reserve. The Department of Health
1859 is authorized to submit budget amendments requesting the release
1860 of funds being held in reserve pursuant to chapter 216, Florida
1861 Statutes contingent upon need and demonstration of fee
1862 collections to support the budget authority.

1863 (2) For the 2017-2018 fiscal year, the sum of \$10 million

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1864 in nonrecurring funds from the General Revenue Fund is
1865 appropriated to the Department of Health to implement the
1866 statewide cannabis and marijuana education and illicit use
1867 prevention campaign established under s. 381.989, Florida
1868 Statutes.

1869 (3) For the 2017-2018 fiscal year, the sum of \$5 million
1870 in nonrecurring funds from the Highway Safety Operating Trust
1871 Fund are appropriated to the Department of Highway Safety and
1872 Motor Vehicles to implement the statewide impaired driving
1873 education campaign established under s. 381.989, Florida
1874 Statutes.

1875 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
1876 recurring funds from the Highway Safety Operating Trust Fund is
1877 appropriated to the Department of Highway Safety and Motor
1878 Vehicles for the purpose of training additional law enforcement
1879 officers as drug recognition experts.

1880 Section 17. This act shall take effect upon becoming a
1881 law.

1882
1883
1884 -----

1885 **T I T L E A M E N D M E N T**

1886 Remove everything before the enacting clause and insert:

1887 A bill to be entitled

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1888 An act relating to medical use of marijuana; amending
1889 s. 212.08, F.S.; providing an exemption from the state
1890 tax on sales, use, and other transactions for
1891 marijuana and marijuana delivery devices used for
1892 medical purposes; amending s. 381.986, F.S.;
1893 providing, revising, and deleting definitions;
1894 providing qualifying medical conditions for a patient
1895 to be eligible to receive marijuana or a marijuana
1896 delivery device; providing requirements for
1897 designating a qualified physician or medical director;
1898 providing criteria for certification of a patient for
1899 medical marijuana treatment by a qualified physician;
1900 providing for certain patients registered with the
1901 medical marijuana use registry to be deemed qualified;
1902 requiring the Department of Health to monitor
1903 physician registration and certifications in the
1904 medical marijuana use registry; requiring the Board of
1905 Medicine and the Board of Osteopathic Medicine to
1906 create a physician certification pattern review panel;
1907 providing rulemaking authority to the department and
1908 the boards; requiring the department to establish a
1909 medical marijuana use registry; specifying entities
1910 and persons who have access to the registry; providing
1911 requirements for registration of, and maintenance of
1912 registered status by, qualified patients and

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1913 caregivers; providing criteria for nonresidents to
1914 prove residency for registration as a qualified
1915 patient; defining the term "seasonal resident";
1916 authorizing the department to revoke the registration
1917 of a patient or caregiver under certain circumstances;
1918 providing requirements for the issuance of medical
1919 marijuana use registry identification cards; requiring
1920 the department to issue licenses to a certain number
1921 of medical marijuana treatment centers; providing for
1922 license renewal and revocation; providing for
1923 continuance of certain entities authorized to dispense
1924 low-THC cannabis, medical cannabis, and cannabis
1925 delivery devices; requiring a medical marijuana
1926 treatment center to comply with certain standards in
1927 the production and distribution of edibles; requiring
1928 background screening of owners, officers, board
1929 members, and managers of medical marijuana treatment
1930 centers; requiring the department to establish,
1931 maintain, and control a computer seed-to-sale
1932 marijuana tracking system; requiring the department to
1933 establish protocols and procedures for operation,
1934 conduct periodic inspections, and restrict location of
1935 medical marijuana treatment centers; providing a limit
1936 on county and municipal permit fees; authorizing
1937 counties and municipalities to determine the location

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1938 of medical marijuana treatment centers by ordinance
1939 under certain conditions; providing penalties;
1940 authorizing the department to impose sanctions on
1941 persons or entities engaging in unlicensed activities;
1942 providing that a person is not exempt from prosecution
1943 for certain offenses and is not relieved from certain
1944 requirements of law under certain circumstances;
1945 providing for certain school personnel to possess
1946 marijuana pursuant to certain established policies and
1947 procedures; providing that certain research
1948 institutions may possess, test, transport, and dispose
1949 of marijuana subject to certain conditions; providing
1950 applicability with respect to employer-instituted
1951 drug-free workplace programs; amending ss. 458.331 and
1952 459.015, F.S.; providing additional acts by a
1953 physician or an osteopathic physician which constitute
1954 grounds for denial of a license or disciplinary action
1955 to which penalties apply; creating s. 381.988, F.S.;
1956 providing for the establishment of medical marijuana
1957 testing laboratories; requiring the Department of
1958 Health, in collaboration with the Department of
1959 Agriculture and Consumer Services and the Department
1960 of Environmental Protection, to develop certification
1961 standards and rules; creating s. 381.989, F.S.;

1962 directing the department and the Department of Highway

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1963 Safety and Motor Vehicles to institute public
1964 education campaigns relating to cannabis and marijuana
1965 and impaired driving; requiring evaluations of public
1966 education campaigns; authorizing the department and
1967 the Department of Highway Safety and Motor Vehicles to
1968 contract with vendors to implement and evaluate the
1969 campaigns; amending ss. 385.211, 499.0295, and 893.02,
1970 F.S.; conforming provisions to changes made by the
1971 act; creating s. 1004.4351, F.S.; providing a short
1972 title; providing legislative findings; defining terms;
1973 establishing the Coalition for Medical Marijuana
1974 Research and Education within the H. Lee Moffitt
1975 Cancer Center and Research Institute, Inc.; providing
1976 a purpose for the coalition; establishing the Medical
1977 Marijuana Research and Education Board to direct the
1978 operations of the coalition; providing for the
1979 appointment of board members; providing for terms of
1980 office, reimbursement for certain expenses, and
1981 meetings of the board; authorizing the board to
1982 appoint a coalition director; prescribing the duties
1983 of the coalition director; requiring the board to
1984 advise specified entities and officials regarding
1985 medical marijuana research and education in this
1986 state; requiring the board to annually adopt a Medical
1987 Marijuana Research and Education Plan; providing

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1988 requirements for the plan; requiring the board to
1989 issue an annual report to the Governor and the
1990 Legislature by a specified date; requiring the
1991 Department of Health to submit reports to the board
1992 containing specified data; specifying responsibilities
1993 of the H. Lee Moffitt Cancer Center and Research
1994 Institute, Inc.; amending s. 1004.441, F.S.; revising
1995 a definition; amending s. 1006.062, F.S.; requiring
1996 district school boards to adopt policies and
1997 procedures for access to medical marijuana by
1998 qualified patients who are students; providing
1999 emergency rulemaking authority; providing for venue
2000 for a cause of action against the department;
2001 providing for defense against certain causes of
2002 action; directing the Department of Law Enforcement to
2003 develop training for law enforcement officers and
2004 agencies; amending s. 385.212, F.S.; renaming the
2005 department's Office of Compassionate Use; providing
2006 appropriations; providing an effective date

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