

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Rodrigues offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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 chapter.

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14 (2) EXEMPTIONS; MEDICAL.—

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

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

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

22 381.986 Medical use of marijuana.—

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

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

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

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

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

38 (e) "Low-THC cannabis" means a plant of the genus

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

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

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

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

62 (i) "Medical director" means a person who holds an active,
63 unrestricted license as an allopathic physician under chapter

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64 458 or osteopathic physician under chapter 459 and is in
65 compliance with the requirements of paragraph (3)(c).

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

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

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

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

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

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

84 a. On any form of public transportation, except for low-
85 THC cannabis.

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

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, except for low-THC cannabis.

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 \$500. 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 \$500.

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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.

172 3. Determined that the medical use of marijuana would
173 likely outweigh the potential health risks for the patient, and
174 such determination must be documented in the patient's medical
175 record. If a patient is younger than 18 years of age, a second
176 physician must concur with this determination, and such
177 concurrence must be documented in the patient's medical record.

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

182 5. Reviewed the patient's controlled drug prescription
183 history in the prescription drug monitoring program database
184 established pursuant to s. 893.055.

185 6. Reviewed the medical marijuana use registry and
186 confirmed that the patient does not have an active physician
187 certification from another qualified physician.

188 7. Registers as the issuer of the physician certification

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189 for the named qualified patient on the medical marijuana use
190 registry in an electronic manner determined by the department,
191 and:

192 a. Enters into the registry the contents of the physician
193 certification, including the patient's qualifying condition and
194 the dosage not to exceed the daily dose amount determined by the
195 department, the amount and forms of marijuana authorized for the
196 patient, and any types of marijuana delivery devices needed by
197 the patient for the medical use of marijuana.

198 b. Updates the registry within 7 days after any change is
199 made to the original physician certification to reflect such
200 change.

201 c. Deactivates the registration of the qualified patient
202 and the patient's caregiver when the physician no longer
203 recommends the medical use of marijuana for the patient.

204 8. Obtains the voluntary and informed written consent of
205 the patient for medical use of marijuana each time the qualified
206 physician issues a physician certification for the patient,
207 which shall be maintained in the patient's medical record. The
208 patient, or the patient's parent or legal guardian if the
209 patient is a minor, must sign the informed consent acknowledging
210 that the qualified physician has sufficiently explained its
211 content. The qualified physician must use a standardized
212 informed consent form adopted in rule by the Board of Medicine
213 and the Board of Osteopathic Medicine, which must include, at a

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- 214 minimum, information related to:
- 215 a. The Federal Government's classification of marijuana as
- 216 a Schedule I controlled substance.
- 217 b. The approval and oversight status of marijuana by the
- 218 Food and Drug Administration.
- 219 c. The current state of research on the efficacy of
- 220 marijuana to treat the qualifying conditions set forth in this
- 221 section.
- 222 d. The potential for addiction.
- 223 e. The potential effect that marijuana may have on a
- 224 patient's coordination, motor skills, and cognition, including a
- 225 warning against operating heavy machinery, operating a motor
- 226 vehicle, or engaging in activities that require a person to be
- 227 alert or respond quickly.
- 228 f. The potential side effects of marijuana use.
- 229 g. The risks, benefits, and drug interactions of
- 230 marijuana.
- 231 h. That the patient's de-identified health information
- 232 contained in the physician certification and medical marijuana
- 233 use registry may be used for research purposes.
- 234 (b) If a qualified physician issues a physician
- 235 certification for a qualified patient diagnosed with a
- 236 qualifying medical condition pursuant to paragraph (2)(k), the
- 237 physician must submit the following to the applicable board
- 238 within 14 days after issuing the physician certification:

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

242 2. Documentation that establishes the efficacy of
243 marijuana as treatment for the condition.

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

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

248
249 The department must submit such documentation to the Coalition
250 for Medical Marijuana Research and Education established
251 pursuant to s. 1004.4351.

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

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

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

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

266 c. A description of how the patient will benefit from an
267 increased amount.

268 d. The minimum daily dose amount of marijuana that would
269 be sufficient for the treatment of the qualified patient's
270 qualifying medical condition.

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

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

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

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

282 2. Assess and document in the qualified patient's medical
283 records the qualified patient's progress toward treatment
284 objectives, tolerance of or reaction to the medical use of
285 marijuana, and risk of aberrant drug-related behavior.

286 3. Identify and document in the qualified patient's medical
287 records whether the qualified patient experienced either of the
288 following related to the medical use of marijuana:

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289 a. An adverse drug interaction with any prescription or
290 nonprescription medication; or

291 b. A reduction in the use of opioid analgesics.

292 4. Submit a report with the findings required pursuant to
293 subparagraph 3. to the department. The department shall submit
294 such reports to the Coalition for Medical Marijuana Research and
295 Education established pursuant to s. 1004.4351.

296 (e) An active order for low-THC cannabis or medical
297 cannabis issued pursuant to former s. 381.986, Florida Statutes
298 2016, and registered with the compassionate use registry before
299 the effective date of this section, is deemed a physician
300 certification, and all patients possessing such orders are
301 deemed qualified patients until the department begins issuing
302 medical marijuana use registry identification cards.

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

308 (g) The Board of Medicine and the Board of Osteopathic
309 Medicine shall jointly create a physician certification pattern
310 review panel that shall review all physician certifications
311 submitted to the medical marijuana use registry. The panel shall
312 track and report the number of physician certifications and the
313 qualifying medical conditions, dosage, supply amount, and form

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314 of marijuana certified. The panel shall report the data both by
315 individual qualified physician and in the aggregate, by county,
316 and statewide. The physician certification pattern review panel
317 shall, beginning January 1, 2018, submit an annual report of its
318 findings and recommendations to the Governor, the President of
319 the Senate, and the Speaker of the House of Representatives.

320 (h) The department, the Board of Medicine, and the Board
321 of Osteopathic Medicine may adopt rules pursuant to ss.
322 120.536(1) and 120.54 to implement this subsection.

323 (5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

343 1. An adult resident must provide the department with a
344 copy of his or her valid Florida driver license issued under s.
345 322.18 or a copy of a valid Florida identification card issued
346 under s. 322.051.

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

351 a. A deed, mortgage, monthly mortgage statement, mortgage
352 payment booklet or residential rental or lease agreement.

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

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

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

361 e. Mail from a financial institution, including checking,
362 savings, or investment account statements, not more than 2
363 months old.

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

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

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

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

371 b. Maintains a temporary residence in this state;

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

374 d. Is registered to vote or pays income tax in another
375 state or jurisdiction.

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

380 (c) The department may suspend or revoke the registration
381 of a qualified patient or caregiver if the qualified patient or
382 caregiver:

383 1. Provides misleading, incorrect, false, or fraudulent
384 information to the department;

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

387 3. Falsifies, alters, or otherwise modifies an
388 identification card;

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

391 5. Violates the requirements of this section or any rule
392 adopted under this section.

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

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

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

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

412 (h) The department may adopt rules pursuant to ss.
413 120.536(1) and 120.54 to implement this subsection.

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414 (6) CAREGIVERS.-

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

420 (b) A caregiver must:

421 1. Not be a qualified physician and not be employed by or
422 have an economic interest in a medical marijuana treatment
423 center or a marijuana testing laboratory.

424 2. Be 21 years of age or older and a resident of this
425 state.

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

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

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

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

437 (c) A qualified patient may designate no more than one
438 caregiver to assist with the qualified patient's medical use of

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439 marijuana, unless:

440 1. The qualified patient is a minor and the designated
441 caregivers are parents or legal guardians of the qualified
442 patient;

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

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

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

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

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

460 3. All qualified patients the caregiver has agreed to
461 assist are admitted to a hospice program and have requested the
462 assistance of that caregiver with the medical use of marijuana;
463 the caregiver is an employee of the hospice; and the caregiver

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464 provides personal care or other services directly to clients of
465 the hospice in the scope of that employment.

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

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

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

479 (h) The department may adopt rules pursuant to ss.
480 120.536(1) and 120.54 to implement this subsection.

481 (7) IDENTIFICATION CARDS.-

482 (a) The department shall issue medical marijuana use
483 registry identification cards for qualified patients and
484 caregivers who are residents of this state, which must be
485 renewed annually. The identification cards must be resistant to
486 counterfeiting and tampering and must include, at a minimum, the
487 following:

488 1. The name, address, and date of birth of the qualified

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489 patient or caregiver.

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

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

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

499 5. For a caregiver, the name and unique numeric identifier
500 of the caregiver and the qualified patient or patients that the
501 caregiver is assisting.

502 6. The expiration date of the identification card.

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

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

512 (d) Applications for identification cards must be
513 submitted on a form prescribed by the department. The department

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514 may charge a reasonable fee associated with the issuance,
515 replacement, and renewal of identification cards. The department
516 may contract with a third-party vendor to issue identification
517 cards. The vendor selected by the department must have
518 experience performing similar functions for other state
519 agencies.

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

523 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

529 1. The department shall license as a medical marijuana
530 treatment center any entity that holds an active, unrestricted
531 license to cultivate, process, transport, and dispense low-THC
532 cannabis, medical cannabis, and cannabis delivery devices, under
533 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
534 and which meets the requirements of this section. In addition to
535 the authority granted under this section, these entities are
536 authorized to dispense low-THC cannabis, medical cannabis, and
537 cannabis delivery devices ordered pursuant to former s. 381.986,
538 Florida Statutes 2016, which were entered into the compassionate

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539 use registry before July 1, 2017. The department may grant
540 variances from the representations made in such an entity's
541 original application for approval under former s. 381.986,
542 Florida Statutes 2014, pursuant to paragraph (e).

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

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

554 a. One applicant per region which was a qualified
555 dispensing organization applicant under former s. 381.986,
556 Florida Statutes 2014; was the next-highest scoring applicant
557 after the applicant or applicants that were awarded a license
558 for that region; was not a litigant in an administrative
559 challenge on or after March 31, 2017; and is not licensed in
560 another region.

561 b. One applicant that is a recognized class member of
562 Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black
563 Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of

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564 the Black Farmers and Agriculturalists Association-Florida
565 Chapter; and meets the requirements of subparagraphs (b)3.-9.
566 4. Within 6 months after the registration of 100,000
567 active qualified patients in the medical marijuana use registry,
568 the department shall license four additional medical marijuana
569 treatment centers that meet the requirements of this section.
570 Thereafter, the department shall license four medical marijuana
571 treatment centers within 6 months after the registration of each
572 additional 100,000 active qualified patients in the medical
573 marijuana use registry that meet the requirements of this
574 section.

575 (b) An applicant for licensure as a medical marijuana
576 treatment center shall apply to the department on a form
577 prescribed by the department and adopted in rule. The department
578 shall adopt rules pursuant to ss. 120.536(1) and 120.54
579 establishing a procedure for the issuance and biennial renewal
580 of licenses, including initial application and biennial renewal
581 fees sufficient to cover the costs of administering this
582 licensure program. Subject to the requirements in subparagraphs
583 (a)2.-4., the department shall issue a license to an applicant
584 if the applicant meets the requirements of this section and pays
585 the initial application fee. The department shall renew the
586 licensure of a medical marijuana treatment center biennially if
587 the licensee meets the requirements of this section and pays the
588 biennial renewal fee. An individual may not be an applicant,

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589 owner, officer, board member, or manager on more than one
590 application for licensure as a medical marijuana treatment
591 center. An individual or entity may not be awarded more than one
592 license as a medical marijuana treatment center. An applicant
593 for licensure as a medical marijuana treatment center must
594 demonstrate:

595 1. That, for the 5 consecutive years before submitting the
596 application, the applicant has been registered to do business in
597 in the state.

598 2. Possession of a valid certificate of registration
599 issued by the Department of Agriculture and Consumer Services
600 pursuant to s. 581.131.

601 3. The technical and technological ability to cultivate and
602 produce marijuana, including, but not limited to, low-THC
603 cannabis.

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

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

611 6. An infrastructure reasonably located to dispense
612 marijuana to registered qualified patients statewide or
613 regionally as determined by the department.

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

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

623 9. The employment of a medical director to supervise the
624 activities of the medical marijuana treatment center.

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

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

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

653 (e) A licensed medical marijuana treatment center shall
654 cultivate, process, transport, and dispense marijuana for
655 medical use. A licensed medical marijuana treatment center may
656 not contract for services directly related to the cultivation,
657 processing, and dispensing of marijuana or marijuana delivery
658 devices. A licensed medical marijuana treatment center must, at
659 all times, maintain compliance with the criteria demonstrated
660 and representations made in the initial application and the
661 criteria established in this subsection. Upon request, the
662 department may grant a medical marijuana treatment center a
663 variance from the representations made in the initial

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664 application. Consideration of such a request shall be based upon
665 the individual facts and circumstances surrounding the request.
666 A variance may not be granted unless the requesting medical
667 marijuana treatment center can demonstrate to the department
668 that it has a proposed alternative to the specific
669 representation made in its application which fulfills the same
670 or a similar purpose as the specific representation in a way
671 that the department can reasonably determine will not be a lower
672 standard than the specific representation in the application. A
673 variance may not be granted from the requirements in
674 subparagraph 2. and subparagraphs (b)1. and 2.

675 1. A licensed medical marijuana treatment center may
676 transfer ownership to an individual or entity who meets the
677 requirements of this section. To accommodate a change in
678 ownership:

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

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

686 c. Upon receipt of an application for a license, the
687 department shall examine the application and, within 30 days
688 after receipt, notify the applicant in writing of any apparent

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689 errors or omissions and request any additional information
690 required.

691 d. Requested information omitted from an application for
692 licensure must be filed with the department within 21 days after
693 the department's request for omitted information or the
694 application shall be deemed incomplete and shall be withdrawn
695 from further consideration and the fees shall be forfeited.

696
697 Within 30 days after the receipt of a complete application, the
698 department shall approve or deny the application.

699 2. A medical marijuana treatment center, and any
700 individual or entity who directly or indirectly owns, controls,
701 or holds with power to vote 25 percent or more of the voting
702 shares of a medical marijuana treatment center, may not acquire
703 direct or indirect ownership or control of any voting shares or
704 other form of ownership of any other medical marijuana treatment
705 center.

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

709 4. Each medical marijuana treatment center must adopt and
710 enforce policies and procedures to ensure employees and
711 volunteers receive training on the legal requirements to
712 dispense marijuana to qualified patients.

713 5. When growing marijuana, a medical marijuana treatment

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714 center:

715 a. May use pesticides determined by the department, after
716 consultation with the Department of Agriculture and Consumer
717 Services, to be safely applied to plants intended for human
718 consumption, but may not use pesticides designated as
719 restricted-use pesticides pursuant to s. 487.042.

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

722 c. Must inspect seeds and growing plants for plant pests
723 that endanger or threaten the horticultural and agricultural
724 interests of the state in accordance with chapter 581 and any
725 rules adopted thereunder.

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

729 6. Each medical marijuana treatment center must produce
730 and make available for purchase at least one low-THC cannabis
731 product.

732 7. A medical marijuana treatment center that produces
733 edibles must hold a permit to operate as a food establishment
734 pursuant to chapter 500, the Florida Food Safety Act, and must
735 comply with all the requirements for food establishments
736 pursuant to chapter 500 and any rules adopted thereunder.

737 Edibles may not contain more than 200 milligrams of
738 tetrahydrocannabinol and a single serving portion of an edible

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739 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
740 may have a potency variance of no greater than 15 percent.
741 Edibles may not be attractive to children; be manufactured in
742 the shape of humans, cartoons, or animals; be manufactured in a
743 form that bears any reasonable resemblance to products available
744 for consumption as commercially available candy; or contain any
745 color additives. To discourage consumption of edibles by
746 children, the department shall determine by rule any shapes,
747 forms, and ingredients allowed and prohibited for edibles.
748 Medical marijuana treatment centers may not begin processing or
749 dispensing edibles until after the effective date of the rule.
750 The department shall also adopt sanitation rules providing the
751 standards and requirements for the storage, display, or
752 dispensing of edibles.

753 8. When processing marijuana, a medical marijuana
754 treatment center must:

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

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

759 c. Test the processed marijuana using a medical marijuana
760 testing laboratory before it is dispensed. Results must be
761 verified and signed by two medical marijuana treatment center
762 employees. Before dispensing, the medical marijuana treatment
763 center must determine that the test results indicate that low-

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

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

807 d. Package the marijuana in compliance with the United
808 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
809 1471 et seq.

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

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

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- 814 (II) The name of the medical marijuana treatment center
815 from which the marijuana originates.
- 816 (III) The batch number and harvest number from which the
817 marijuana originates and the date dispensed.
- 818 (IV) The name of the physician who issued the physician
819 certification.
- 820 (V) The name of the patient.
- 821 (VI) The product name, if applicable, and dosage form,
822 including concentration of tetrahydrocannabinol and cannabidiol.
823 The product name may not contain wording commonly associated
824 with products marketed by or to children.
- 825 (VII) The recommended dose.
- 826 (VIII) A warning that it is illegal to transfer medical
827 marijuana to another person.
- 828 (IX) A marijuana universal symbol developed by the
829 department.
- 830 9. The medical marijuana treatment center shall include in
831 each package a patient package insert with information on the
832 specific product dispensed related to:
- 833 a. Clinical pharmacology.
- 834 b. Indications and use.
- 835 c. Dosage and administration.
- 836 d. Dosage forms and strengths.
- 837 e. Contraindications.
- 838 f. Warnings and precautions.

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839 g. Adverse reactions.

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

853 11. When dispensing marijuana or a marijuana delivery
854 device, a medical marijuana treatment center:

855 a. May dispense any active, valid order for low-THC
856 cannabis, medical cannabis and cannabis delivery devices issued
857 pursuant to former s. 381.986, Florida Statutes 2016, which was
858 been entered into the medical marijuana use registry before July
859 1, 2017.

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

862 c. Must have the medical marijuana treatment center's
863 employee who dispenses the marijuana or a marijuana delivery

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864 device enter into the medical marijuana use registry his or her
865 name or unique employee identifier.

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

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

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

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

888 h. Must ensure that patient records are not visible to

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889 anyone other than the qualified patient, his or her caregiver,
890 and authorized medical marijuana treatment center employees.

891 (f) To ensure the safety and security of premises where
892 the cultivation, processing, storing, or dispensing of marijuana
893 occurs, and to maintain adequate controls against the diversion,
894 theft, and loss of marijuana or marijuana delivery devices, a
895 medical marijuana treatment center shall:

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

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

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

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

910 (III) Recorded images must clearly and accurately display
911 the time and date.

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

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

916 3. Ensure that the indoor premises where dispensing occurs
917 includes a waiting area with sufficient space and seating to
918 accommodate qualified patients and caregivers and at least one
919 private consultation area that is isolated from the waiting area
920 and area where dispensing occurs. A medical marijuana treatment
921 center may not display products or dispense marijuana or
922 marijuana delivery devices in the waiting area.

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

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

928 6. Require at least two of its employees, or two employees
929 of a security agency with whom it contracts, to be on the
930 premises at all times where cultivation, processing, or storing
931 of marijuana occurs.

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

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

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

937 10. Report to local law enforcement within 24 hours after
938 the medical marijuana treatment center is notified or becomes

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939 aware of the theft, diversion, or loss of marijuana.

940 (g) To ensure the safe transport of marijuana and

941 marijuana delivery devices to medical marijuana treatment

942 centers, marijuana testing laboratories, or qualified patients,

943 a medical marijuana treatment center must:

944 1. Maintain a marijuana transportation manifest in any

945 vehicle transporting marijuana. The marijuana transportation

946 manifest must be generated from a medical marijuana treatment

947 center's seed-to-sale tracking system and include the:

948 a. Departure date and approximate time of departure.

949 b. Name, location address, and license number of the

950 originating medical marijuana treatment center.

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

952 d. Quantity and form of any marijuana or marijuana

953 delivery device being transported.

954 e. Arrival date and estimated time of arrival.

955 f. Delivery vehicle make and model and license plate

956 number.

957 g. Name and signature of the medical marijuana treatment

958 center employees delivering the product.

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

960 be provided to each individual, medical marijuana treatment

961 center, or marijuana testing laboratory that receives a

962 delivery. The individual, or a representative of the center or

963 laboratory, must sign a copy of the marijuana transportation

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964 manifest acknowledging receipt.

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

969 (III) Medical marijuana treatment centers and marijuana
970 testing laboratories must retain copies of all marijuana
971 transportation manifests for at least 3 years.

972 2. Ensure only vehicles in good working order are used to
973 transport marijuana.

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

976 4. Require employees to have possession of their employee
977 identification card at all times when transporting marijuana or
978 marijuana delivery devices.

979 5. Require at least two persons to be in a vehicle
980 transporting marijuana or marijuana delivery devices, and
981 require at least one person to remain in the vehicle while the
982 marijuana or marijuana delivery device is being delivered.

983 6. Provide specific safety and security training to
984 employees transporting or delivering marijuana and marijuana
985 delivery devices.

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

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989 1. The dispensing location of a medical marijuana
990 treatment center may have a sign that is affixed to the outside
991 or hanging in the window of the premises which identifies the
992 dispensary by the licensee's business name, a department-
993 approved trade name, or a department-approved logo. A medical
994 marijuana treatment center's trade name and logo may not contain
995 wording or images commonly associated with marketing targeted
996 toward children or which promote recreational use of marijuana.

997 2. A medical marijuana treatment center may engage in
998 Internet advertising and marketing under the following
999 conditions:

1000 a. All advertisements must be approved by the department.

1001 b. An advertisement may not have any content that
1002 specifically targets individuals under the age of 18, including
1003 cartoon characters or similar images.

1004 c. An advertisement may not be an unsolicited pop-up
1005 advertisement.

1006 d. Opt-in marketing must include an easy and permanent
1007 opt-out feature.

1008 (i) Each medical marijuana treatment center that dispenses
1009 marijuana and marijuana delivery devices shall make available to
1010 the public on its website:

1011 1. Each marijuana and low-THC product available for
1012 purchase, including the form, strain of marijuana from which it
1013 was extracted, cannabidiol content, tetrahydrocannabinol

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1014 content, dose unit, total number of doses available, and the
1015 ratio of cannabidiol to tetrahydrocannabinol for each product.

1016 2. The price for a 30-day, 50-day, and 70-day supply at a
1017 standard dose for each marijuana and low-THC product available
1018 for purchase.

1019 3. The price for each marijuana delivery device available
1020 for purchase.

1021 4. If applicable, any discount policies and eligibility
1022 criteria for such discounts.

1023 (j) Medical marijuana treatment centers are the sole
1024 source from which a qualified patient may legally obtain
1025 marijuana.

1026 (k) The department may adopt rules pursuant to ss.
1027 120.536(1) and 120.54 to implement this subsection.

1028 (9) BACKGROUND SCREENING.-An individual required to
1029 undergo a background screening pursuant to this section must
1030 pass a level 2 background screening as provided under chapter
1031 435, which, in addition to the disqualifying offenses provided
1032 in s. 435.04, shall exclude an individual who has an arrest
1033 awaiting final disposition for, has been found guilty of,
1034 regardless of adjudication, or has entered a plea of nolo
1035 contendere or guilty to an offense under chapter 837, chapter
1036 895, or chapter 896 or similar law of another jurisdiction.

1037 (a) Such individual must submit a full set of fingerprints
1038 to the department or to a vendor, entity, or agency authorized

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1039 by s. 943.053(13). The department, vendor, entity, or agency
1040 shall forward the fingerprints to the Department of Law
1041 Enforcement for state processing, and the Department of Law
1042 Enforcement shall forward the fingerprints to the Federal Bureau
1043 of Investigation for national processing.

1044 (b) Fees for state and federal fingerprint processing and
1045 retention shall be borne by the individual. The state cost for
1046 fingerprint processing shall be as provided in s. 943.053(3)(e)
1047 for records provided to persons or entities other than those
1048 specified as exceptions therein.

1049 (c) Fingerprints submitted to the Department of Law
1050 Enforcement pursuant to this subsection shall be retained by the
1051 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1052 (h) and, when the Department of Law Enforcement begins
1053 participation in the program, enrolled in the Federal Bureau of
1054 Investigation's national retained print arrest notification
1055 program. Any arrest record identified shall be reported to the
1056 department.

1057 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1058 ADMINISTRATIVE ACTIONS.—

1059 (a) The department shall conduct announced or unannounced
1060 inspections of medical marijuana treatment centers to determine
1061 compliance with this section or rules adopted pursuant to this
1062 section.

1063 (b) The department shall inspect a medical marijuana

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1064 treatment center upon receiving a complaint or notice that the
1065 medical marijuana treatment center has dispensed marijuana
1066 containing mold, bacteria, or other contaminant that may cause
1067 or has caused an adverse effect to human health or the
1068 environment.

1069 (c) The department shall conduct at least a biennial
1070 inspection of each medical marijuana treatment center to
1071 evaluate the medical marijuana treatment center's records,
1072 personnel, equipment, processes, security measures, sanitation
1073 practices, and quality assurance practices.

1074 (d) The Department of Agriculture and Consumer Services
1075 and the department shall enter into an interagency agreement to
1076 ensure cooperation and coordination in the performance of their
1077 obligations under this section and their respective regulatory
1078 and authorizing laws. The department, the Department of Highway
1079 Safety and Motor Vehicles, and the Department of Law Enforcement
1080 may enter into interagency agreements for the purposes specified
1081 in this subsection or subsection (7).

1082 (e) The department shall publish a list of all approved
1083 medical marijuana treatment centers, medical directors, and
1084 qualified physicians on its website.

1085 (f) The department may impose reasonable fines not to
1086 exceed \$10,000 on a medical marijuana treatment center for any
1087 of the following violations:

1088 1. Violating this section or department rule.

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- 1089 2. Failing to maintain qualifications for approval.
- 1090 3. Endangering the health, safety, or security of a
1091 qualified patient.
- 1092 4. Improperly disclosing personal and confidential
1093 information of the qualified patient.
- 1094 5. Attempting to procure medical marijuana treatment
1095 center approval by bribery, fraudulent misrepresentation, or
1096 extortion.
- 1097 6. Being convicted or found guilty of, or entering a plea
1098 of guilty or nolo contendere to, regardless of adjudication, a
1099 crime in any jurisdiction which directly relates to the business
1100 of a medical marijuana treatment center.
- 1101 7. Making or filing a report or record that the medical
1102 marijuana treatment center knows to be false.
- 1103 8. Willfully failing to maintain a record required by this
1104 section or department rule.
- 1105 9. Willfully impeding or obstructing an employee or agent
1106 of the department in the furtherance of his or her official
1107 duties.
- 1108 10. Engaging in fraud or deceit, negligence, incompetence,
1109 or misconduct in the business practices of a medical marijuana
1110 treatment center.
- 1111 11. Making misleading, deceptive, or fraudulent
1112 representations in or related to the business practices of a
1113 medical marijuana treatment center.

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1114 12. Having a license or the authority to engage in any
1115 regulated profession, occupation, or business that is related to
1116 the business practices of a medical marijuana treatment center
1117 suspended, revoked, or otherwise acted against by the licensing
1118 authority of any jurisdiction, including its agencies or
1119 subdivisions, for a violation that would constitute a violation
1120 under Florida law.

1121 13. Violating a lawful order of the department or an
1122 agency of the state, or failing to comply with a lawfully issued
1123 subpoena of the department or an agency of the state.

1124 (g) The department may suspend, revoke, or refuse to renew
1125 a medical marijuana treatment center license if the medical
1126 marijuana treatment center commits any of the violations in
1127 paragraph (f).

1128 (h) The department may adopt rules pursuant to ss.
1129 120.536(1) and 120.54 to implement this subsection.

1130 (11) PREEMPTION.—Regulation of cultivation, processing,
1131 and delivery of marijuana by medical marijuana treatment centers
1132 is preempted to the state except as provided in this subsection.

1133 (a) A medical marijuana treatment center cultivating or
1134 processing facility may not be located within 500 feet of the
1135 real property that comprises a public or private elementary
1136 school, middle school, or secondary school.

1137 (b) A municipality may determine by ordinance the criteria
1138 for the number and location of, and other permitting

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1139 requirements that do not conflict with state law or department
1140 rule for, medical marijuana treatment center dispensing
1141 facilities located within the boundaries of the municipality. A
1142 county may determine by ordinance the criteria for the number
1143 and location of, and other permitting requirements that do not
1144 conflict with state law or department rule for, all such
1145 dispensing facilities located within the unincorporated areas of
1146 that county. However, a medical marijuana treatment center
1147 dispensing facility may not be located within 500 feet of the
1148 real property that comprises a public or private elementary
1149 school, middle school, or secondary school unless the county or
1150 municipality approves the location through a formal proceeding
1151 open to the public at which the county or municipality
1152 determines that the location promotes the public health, safety,
1153 and general welfare of the community. A dispensing facility
1154 location approved by a municipality or county pursuant to former
1155 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1156 location requirements of this subsection.

1157 (c) Except as provided in paragraph (b), a county or
1158 municipality may not enact ordinances for permitting or for
1159 determining the location of dispensing facilities which are more
1160 restrictive than that its ordinances permitting or determining
1161 the locations for pharmacies licensed under chapter 465. A
1162 municipality or county may not charge a medical marijuana
1163 treatment center a license or permit fee in an amount greater

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1164 than the fee charged by such municipality or county to
1165 pharmacies.

1166 (d) This subsection does not prohibit any local
1167 jurisdiction from ensuring medical marijuana treatment center
1168 facilities comply with the Florida Building Code, the Florida
1169 Fire Prevention Code, or any local amendments to the Florida
1170 Building Code or the Florida Fire Prevention Code.

1171 (12) PENALTIES.—

1172 (a) A qualified physician commits a misdemeanor of the
1173 first degree, punishable as provided in s. 775.082 or s.
1174 775.083, if the qualified physician issues a physician
1175 certification for the medical use of marijuana for a patient
1176 without a reasonable belief that the patient is suffering from a
1177 qualifying medical condition.

1178 (b) A person who fraudulently represents that he or she
1179 has a qualifying medical condition to a qualified physician for
1180 the purpose of being issued a physician certification commits a
1181 misdemeanor of the first degree, punishable as provided in s.
1182 775.082 or s. 775.083.

1183 (c) A qualified patient who uses marijuana, not including
1184 low-THC cannabis, or a caregiver who administers marijuana, not
1185 including low-THC cannabis, in plain view of or in a place open
1186 to the general public; in a school bus, a vehicle, an aircraft,
1187 or a boat; or on the grounds of a school except as provided in
1188 s. 1006.062, commits a misdemeanor of the first degree,

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1189 punishable as provided in s. 775.082 or s. 775.083.

1190 (d) A qualified patient or caregiver who cultivates
1191 marijuana or who purchases or acquires marijuana from any person
1192 or entity other than a medical marijuana treatment center
1193 violates s. 893.13 and is subject to the penalties provided
1194 therein.

1195 (e)1. A qualified patient or caregiver in possession of
1196 marijuana or a marijuana delivery device who fails or refuses to
1197 present his or her marijuana use registry identification card
1198 upon the request of a law enforcement officer commits a
1199 misdemeanor of the second degree, punishable as provided in s.
1200 775.082 or s. 775.083, unless it can be determined through the
1201 medical marijuana use registry that the person is authorized to
1202 be in possession of that marijuana or marijuana delivery device.

1203 2. A person charged with a violation of this paragraph may
1204 not be convicted if, before or at the time of his or her court
1205 or hearing appearance, the person produces in court or to the
1206 clerk of the court in which the charge is pending a medical
1207 marijuana use registry identification card issued to him or her
1208 which is valid at the time of his or her arrest. The clerk of
1209 the court is authorized to dismiss such case at any time before
1210 the defendant's appearance in court. The clerk of the court may
1211 assess a fee of \$5 for dismissing the case under this paragraph.

1212 (f) A caregiver who violates any of the applicable
1213 provisions of this section or applicable department rules, for

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1214 the first offense, commits a misdemeanor of the second degree,
1215 punishable as provided in s. 775.082 or s. 775.083 and, for a
1216 second or subsequent offense, commits a misdemeanor of the first
1217 degree, punishable as provided in s. 775.082 or s. 775.083.

1218 (g) A qualified physician who issues a physician
1219 certification for marijuana or a marijuana delivery device and
1220 receives compensation from a medical marijuana treatment center
1221 related to the issuance of a physician certification for
1222 marijuana or a marijuana delivery device is subject to
1223 disciplinary action under the applicable practice act and s.
1224 456.072 (1) (n).

1225 (h) A person transporting marijuana or marijuana delivery
1226 devices on behalf of a medical marijuana treatment center or
1227 marijuana testing laboratory who fails or refuses to present a
1228 transportation manifest upon the request of a law enforcement
1229 officer commits a misdemeanor of the second degree, punishable
1230 as provided in s. 775.082 or s. 775.083.

1231 (i) Persons and entities conducting activities authorized
1232 and governed by this section and s. 381.988 are subject to the
1233 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1234 (j) A person or entity that cultivates, processes,
1235 distributes, sells, or dispenses marijuana, as defined in s.
1236 29(b)(4), Art. X of the State Constitution, and is not licensed
1237 as a medical marijuana treatment center violates s. 893.13 and
1238 is subject to the penalties provided therein.

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1239 (13) UNLICENSED ACTIVITY.-

1240 (a) If the department has probable cause to believe that a
1241 person or entity that is not registered or licensed with the
1242 department has violated this section, s. 381.988, or any rule
1243 adopted pursuant to this section, the department may issue and
1244 deliver to such person or entity a notice to cease and desist
1245 from such violation. The department also may issue and deliver a
1246 notice to cease and desist to any person or entity who aids and
1247 abets such unlicensed activity. The issuance of a notice to
1248 cease and desist does not constitute agency action for which a
1249 hearing under s. 120.569 or s. 120.57 may be sought. For the
1250 purpose of enforcing a cease and desist order, the department
1251 may file a proceeding in the name of the state seeking issuance
1252 of an injunction or a writ of mandamus against any person or
1253 entity who violates any provisions of such order.

1254 (b) In addition to the remedies under paragraph (a), the
1255 department may impose by citation an administrative penalty not
1256 to exceed \$5,000 per incident. The citation shall be issued to
1257 the subject and shall contain the subject's name and any other
1258 information the department determines to be necessary to
1259 identify the subject, a brief factual statement, the sections of
1260 the law allegedly violated, and the penalty imposed. If the
1261 subject does not dispute the matter in the citation with the
1262 department within 30 days after the citation is served, the
1263 citation shall become a final order of the department. The

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1264 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1265 to implement this section. Each day that the unlicensed activity
1266 continues after issuance of a notice to cease and desist
1267 constitutes a separate violation. The department shall be
1268 entitled to recover the costs of investigation and prosecution
1269 in addition to the fine levied pursuant to the citation. Service
1270 of a citation may be made by personal service or by mail to the
1271 subject at the subject's last known address or place of
1272 practice. If the department is required to seek enforcement of
1273 the cease and desist or agency order, it shall be entitled to
1274 collect attorney fees and costs.

1275 (c) In addition to or in lieu of any other administrative
1276 remedy, the department may seek the imposition of a civil
1277 penalty through the circuit court for any violation for which
1278 the department may issue a notice to cease and desist. The civil
1279 penalty shall be no less than \$5,000 and no more than \$10,000
1280 for each offense. The court may also award to the prevailing
1281 party court costs and reasonable attorney fees and, in the event
1282 the department prevails, may also award reasonable costs of
1283 investigation and prosecution.

1284 (d) In addition to the other remedies provided in this
1285 section, the department or any state attorney may bring an
1286 action for an injunction to restrain any unlicensed activity or
1287 to enjoin the future operation or maintenance of the unlicensed
1288 activity or the performance of any service in violation of this

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1289 section.

1290 (e) The department must notify local law enforcement of
1291 such unlicensed activity for a determination of any criminal
1292 violation of chapter 893.

1293 (14) EXCEPTIONS TO OTHER LAWS.—

1294 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1295 any other provision of law, but subject to the requirements of
1296 this section, a qualified patient and the qualified patient's
1297 caregiver may purchase from a medical marijuana treatment center
1298 for the patient's medical use a marijuana delivery device and up
1299 to the amount of marijuana authorized in the physician
1300 certification, but may not possess more than a 70-day supply of
1301 marijuana at any given time and all marijuana purchased must
1302 remain in its original packaging.

1303 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1304 any other provision of law, but subject to the requirements of
1305 this section, an approved medical marijuana treatment center and
1306 its owners, managers, and employees may manufacture, possess,
1307 sell, deliver, distribute, dispense, and lawfully dispose of
1308 marijuana or a marijuana delivery device as provided in this
1309 section, s. 381.988, and by department rule. For purposes of
1310 this subsection, the terms "manufacture," "possession,"
1311 "deliver," "distribute," and "dispense" have the same meanings
1312 as provided in s. 893.02.

1313 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or

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1314 any other provision of law, but subject to the requirements of
1315 this section, a certified marijuana testing laboratory,
1316 including an employee of a certified marijuana testing
1317 laboratory acting within the scope of his or her employment, may
1318 acquire, possess, test, transport, and lawfully dispose of
1319 marijuana as provided in this section, in s. 381.988, and by
1320 department rule.

1321 (d) A licensed medical marijuana treatment center and its
1322 owners, managers, and employees are not subject to licensure or
1323 regulation under chapter 465 or chapter 499 for manufacturing,
1324 possessing, selling, delivering, distributing, dispensing, or
1325 lawfully disposing of marijuana or a marijuana delivery device,
1326 as provided in this section, s. 381.988, and by department rule.

1327 (e) This subsection does not exempt a person from
1328 prosecution for a criminal offense related to impairment or
1329 intoxication resulting from the medical use of marijuana or
1330 relieve a person from any requirement under law to submit to a
1331 breath, blood, urine, or other test to detect the presence of a
1332 controlled substance.

1333 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1334 any other provision of law, but subject to the requirements of
1335 this section and pursuant to policies and procedures established
1336 pursuant to s. 1006.62(8), school personnel may possess
1337 marijuana that is obtained for medical use pursuant to this
1338 section by a student who is a qualified patient.

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1339 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1340 any other provision of law, but subject to the requirements of
1341 this section, a research institute established by a public
1342 postsecondary educational institution, such as the H. Lee
1343 Moffitt Cancer Center and Research Institute established under
1344 s. 1004.43, or a state university that has achieved the
1345 preeminent state research university designation under s.
1346 1001.7065 may possess, test, transport, and lawfully dispose of
1347 marijuana for research purposes as provided by this section.

1348 (15) APPLICABILITY.—This section does not limit the
1349 ability of an employer to establish, continue, or enforce a
1350 drug-free workplace program or policy. This section does not
1351 require an employer to accommodate the medical use of marijuana
1352 in any workplace or any employee working while under the
1353 influence of marijuana. This section does not create a cause of
1354 action against an employer for wrongful discharge or
1355 discrimination.

1356 Section 3. Paragraph (uu) is added to subsection (1) of
1357 section 458.331, Florida Statutes, to read:

1358 458.331 Grounds for disciplinary action; action by the
1359 board and department.—

1360 (1) The following acts constitute grounds for denial of a
1361 license or disciplinary action, as specified in s. 456.072(2):

1362 (uu) Issuing a physician certification, as defined in s.
1363 381.986, in a manner out of compliance with the requirements of

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1364 that section and rules adopted thereunder.

1365 Section 4. Paragraph (ww) is added to subsection (1) of
1366 section 459.015, Florida Statutes, to read:

1367 459.015 Grounds for disciplinary action; action by the
1368 board and department.—

1369 (1) The following acts constitute grounds for denial of a
1370 license or disciplinary action, as specified in s. 456.072(2):

1371 (ww) Issuing a physician certification, as defined in s.
1372 381.986, in a manner not in compliance with the requirements of
1373 that section and rules adopted thereunder.

1374 Section 5. Section 381.988, Florida Statutes, is created
1375 to read:

1376 381.988 Medical marijuana testing laboratories; marijuana
1377 tests conducted by a certified laboratory.—

1378 (1) A person or entity seeking to be a certified marijuana
1379 testing laboratory must:

1380 (a) Not be owned or controlled by a medical marijuana
1381 treatment center.

1382 (b) Submit a completed application accompanied by an
1383 application fee, as established by department rule.

1384 (c) Submit proof of an accreditation or a certification
1385 approved by the department issued by an accreditation or a
1386 certification organization approved by the department. The
1387 department shall adopt by rule a list of approved laboratory
1388 accreditations or certifications and accreditation or

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1389 certification organizations.

1390 (d) Require all owners and managers to submit to and pass
1391 a level 2 background screening pursuant to s. 435.04 and shall
1392 deny certification if the person or entity has been found guilty
1393 of, or has entered a plea of guilty or nolo contendere to,
1394 regardless of adjudication, any offense listed in chapter 837,
1395 chapter 895, or chapter 896 or similar law of another
1396 jurisdiction.

1397 1. Such owners and managers must submit a full set of
1398 fingerprints to the department or to a vendor, entity, or agency
1399 authorized by s. 943.053(13). The department, vendor, entity, or
1400 agency shall forward the fingerprints to the Department of Law
1401 Enforcement for state processing, and the Department of Law
1402 Enforcement shall forward the fingerprints to the Federal Bureau
1403 of Investigation for national processing.

1404 2. Fees for state and federal fingerprint processing and
1405 retention shall be borne by such owners or managers. The state
1406 cost for fingerprint processing shall be as provided in s.
1407 943.053(3)(e) for records provided to persons or entities other
1408 than those specified as exceptions therein.

1409 3. Fingerprints submitted to the Department of Law
1410 Enforcement pursuant to this paragraph shall be retained by the
1411 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1412 (h) and, when the Department of Law Enforcement begins
1413 participation in the program, enrolled in the Federal Bureau of

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1414 Investigation's national retained print arrest notification
1415 program. Any arrest record identified shall be reported to the
1416 department.

1417 (e) Demonstrate to the department the capability of
1418 meeting the standards for certification required by this
1419 subsection, and the testing requirements of s. 381.986 and this
1420 section and rules adopted thereunder.

1421 (2) The department shall adopt rules pursuant to ss.
1422 120.536(1) and 120.54 establishing a procedure for initial
1423 certification and biennial renewal, including initial
1424 application and biennial renewal fees sufficient to cover the
1425 costs of administering this certification program. The
1426 department shall renew the certification biennially if the
1427 laboratory meets the requirements of this section and pays the
1428 biennial renewal fee.

1429 (3) The department shall adopt rules pursuant to ss.
1430 120.536(1) and 120.54 establishing the standards for
1431 certification of marijuana testing laboratories under this
1432 section. The Department of Agriculture and Consumer Services and
1433 the Department of Environmental Protection shall assist the
1434 department in developing the rule, which must include, but is
1435 not limited to:

1436 (a) Security standards.

1437 (b) Minimum standards for personnel.

1438 (c) Sample collection method and process standards.

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1439 (d) Proficiency testing for tetrahydrocannabinol potency,
1440 concentration of cannabidiol, and contaminants unsafe for human
1441 consumption, as determined by department rule.

1442 (e) Reporting content, format, and frequency.

1443 (f) Audits and onsite inspections.

1444 (g) Quality assurance.

1445 (h) Equipment and methodology.

1446 (i) Chain of custody.

1447 (j) Any other standard the department deems necessary to
1448 ensure the health and safety of the public.

1449 (4) A marijuana testing laboratory may acquire marijuana
1450 only from a medical marijuana treatment center. A marijuana
1451 testing laboratory is prohibited from selling, distributing, or
1452 transferring marijuana received from a marijuana treatment
1453 center, except that a marijuana testing laboratory may transfer
1454 a sample to another marijuana testing laboratory in this state.

1455 (5) A marijuana testing laboratory must properly dispose
1456 of all samples it receives, unless transferred to another
1457 marijuana testing laboratory, after all necessary tests have
1458 been conducted and any required period of storage has elapsed,
1459 as established by department rule.

1460 (6) A marijuana testing laboratory shall use the computer
1461 software tracking system selected by the department under s.
1462 381.986.

1463 (7) The following acts constitute grounds for which

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1464 disciplinary action specified in subsection (8) may be taken
1465 against a certified marijuana testing laboratory:

1466 (a) Permitting unauthorized persons to perform technical
1467 procedures or issue reports.

1468 (b) Demonstrating incompetence or making consistent errors
1469 in the performance of testing or erroneous reporting.

1470 (c) Performing a test and rendering a report thereon to a
1471 person or entity not authorized by law to receive such services.

1472 (d) Failing to file any report required under this section
1473 or s. 381.986 or the rules adopted thereunder.

1474 (e) Reporting a test result if the test was not performed.

1475 (f) Failing to correct deficiencies within the time
1476 required by the department.

1477 (g) Violating or aiding and abetting in the violation of
1478 any provision of s. 381.986 or this section or any rules adopted
1479 thereunder.

1480 (8) The department may refuse to issue or renew, or may
1481 suspend or revoke, the certification of a marijuana testing
1482 laboratory that is found to be in violation of this section or
1483 any rules adopted hereunder. The department may impose fines for
1484 violations of this section or rules adopted thereunder, based on
1485 a schedule adopted in rule. In determining the administrative
1486 action to be imposed for a violation, the department must
1487 consider the following factors:

1488 (a) The severity of the violation, including the

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1489 probability of death or serious harm to the health or safety of
1490 any person that may result or has resulted; the severity or
1491 potential harm; and the extent to which the provisions of s.
1492 381.986 or this section were violated.

1493 (b) The actions taken by the marijuana testing laboratory
1494 to correct the violation or to remedy the complaint.

1495 (c) Any previous violation by the marijuana testing
1496 laboratory.

1497 (d) The financial benefit to the marijuana testing
1498 laboratory of committing or continuing the violation.

1499 (9) The department may adopt rules pursuant to ss.
1500 120.536(1) and 120.54 to implement this section.

1501 Section 6. Section 381.989, Florida Statutes, is created
1502 to read:

1503 381.989 Public education campaigns.—

1504 (1) DEFINITIONS.—As used in this section, the term:

1505 (a) "Cannabis" has the same meaning as in s. 893.02.

1506 (b) "Department" means the Department of Health.

1507 (c) "Marijuana" has the same meaning as in s. 381.986.

1508 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1509 USE PREVENTION CAMPAIGN.—

1510 (a) The department shall implement a statewide cannabis
1511 and marijuana education and illicit use prevention campaign to
1512 publicize accurate information regarding:

1513 1. The legal requirements for licit use and possession of

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1514 marijuana in this state.

1515 2. Safe use of marijuana, including preventing access by
1516 persons other than qualified patients as defined in s. 381.986,
1517 particularly children.

1518 3. The short-term and long-term health effects of cannabis
1519 and marijuana use, particularly on minors and young adults.

1520 4. Other cannabis-related and marijuana-related education
1521 determined by the department to be necessary to the public
1522 health and safety.

1523 (b) The department shall provide educational materials
1524 regarding the eligibility for medical use of marijuana by
1525 individuals diagnosed with a terminal condition to individuals
1526 that provide palliative care or hospice services.

1527 (c) The department may use television messaging, radio
1528 broadcasts, print media, digital strategies, social media, and
1529 any other form of messaging deemed necessary and appropriate by
1530 the department to implement the campaign. The department may
1531 work with school districts, community organizations, and
1532 businesses and business organizations and other entities to
1533 provide training and programming.

1534 (d) The department may contract with one or more vendors
1535 to implement the campaign.

1536 (e) The department shall contract with an independent
1537 entity to conduct annual evaluations of the campaign. The
1538 evaluations shall assess the reach and impact of the campaign,

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1539 success in educating the citizens of the state regarding the
1540 legal parameters for marijuana use, success in preventing
1541 illicit access by adults and youth, and success in preventing
1542 negative health impacts from the legalization of marijuana. The
1543 first year of the program, the evaluator shall conduct surveys
1544 to establish baseline data on youth and adult cannabis use, the
1545 attitudes of youth and the general public toward cannabis and
1546 marijuana, and any other data deemed necessary for long-term
1547 analysis. By January 31 of each year, the department shall
1548 submit to the Governor, the President of the Senate, and the
1549 Speaker of the House of Representatives the annual evaluation of
1550 the campaign.

1551 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1552 (a) The Department of Highway Safety and Motor Vehicles
1553 shall implement a statewide impaired driving education campaign
1554 to raise awareness and prevent marijuana-related and cannabis-
1555 related impaired driving and may contract with one or more
1556 vendors to implement the campaign. The Department of Highway
1557 Safety and Motor Vehicles may use television messaging, radio
1558 broadcasts, print media, digital strategies, social media, and
1559 any other form of messaging deemed necessary and appropriate by
1560 the department to implement the campaign.

1561 (b) At a minimum, the Department of Highway Safety and
1562 Motor Vehicles or a contracted vendor shall establish baseline
1563 data on the number of marijuana-related citations for driving

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1564 under the influence, marijuana-related traffic arrests,
1565 marijuana-related traffic accidents, and marijuana-related
1566 traffic fatalities, and shall track these measures annually
1567 thereafter. The Department of Highway Safety and Motor Vehicles
1568 or a contracted vendor shall annually evaluate and compile a
1569 report on the efficacy of the campaign based on those measures
1570 and other measures established by the Department of Highway
1571 Safety and Motor Vehicles. By January 31 of each year, the
1572 Department of Highway Safety and Motor Vehicles shall submit the
1573 report on the evaluation of the campaign to the Governor, the
1574 President of the Senate, and the Speaker of the House of
1575 Representatives.

1576 Section 7. Subsection (1) of section 385.211, Florida
1577 Statutes, is amended to read:

1578 385.211 Refractory and intractable epilepsy treatment and
1579 research at recognized medical centers.—

1580 (1) As used in this section, the term "low-THC cannabis"
1581 means "low-THC cannabis" as defined in s. 381.986 that is
1582 dispensed only from a dispensing organization as defined in
1583 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1584 treatment center as defined in s. 381.986.

1585 Section 8. Paragraphs (b) through (e) of subsection (2) of
1586 section 499.0295, Florida Statutes, are redesignated as
1587 paragraphs (a) through (d), respectively, and present paragraphs
1588 (a) and (c) of that subsection, and subsection (3) of that

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1589 section are amended to read:

1590 499.0295 Experimental treatments for terminal conditions.-

1591 (2) As used in this section, the term:

1592 ~~(a) "Dispensing organization" means an organization~~
1593 ~~approved by the Department of Health under s. 381.986(5) to~~
1594 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1595 ~~medical cannabis, and cannabis delivery devices.~~

1596 (b)(e) "Investigational drug, biological product, or
1597 device" means:

1598 ~~1.~~ a drug, biological product, or device that has
1599 successfully completed phase 1 of a clinical trial but has not
1600 been approved for general use by the United States Food and Drug
1601 Administration and remains under investigation in a clinical
1602 trial approved by the United States Food and Drug
1603 Administration; ~~or~~

1604 ~~2. Medical cannabis that is manufactured and sold by a~~
1605 ~~dispensing organization.~~

1606 (3) Upon the request of an eligible patient, a
1607 manufacturer may, ~~or upon a physician's order pursuant to s.~~
1608 ~~381.986, a dispensing organization may:~~

1609 (a) Make its investigational drug, biological product, or
1610 device available under this section.

1611 (b) Provide an investigational drug, biological product,
1612 or device, ~~or cannabis delivery device as defined in s. 381.986~~
1613 to an eligible patient without receiving compensation.

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1614 (c) Require an eligible patient to pay the costs of, or
1615 the costs associated with, the manufacture of the
1616 investigational drug, biological product, or device, ~~or cannabis~~
1617 ~~delivery device as defined in s. 381.986.~~

1618 Section 9. Subsection (3) of section 893.02, Florida
1619 Statutes, is amended to read:

1620 893.02 Definitions.—The following words and phrases as
1621 used in this chapter shall have the following meanings, unless
1622 the context otherwise requires:

1623 (3) "Cannabis" means all parts of any plant of the genus
1624 Cannabis, whether growing or not; the seeds thereof; the resin
1625 extracted from any part of the plant; and every compound,
1626 manufacture, salt, derivative, mixture, or preparation of the
1627 plant or its seeds or resin. The term does not include
1628 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1629 manufactured, possessed, sold, purchased, delivered,
1630 distributed, or dispensed, in conformance with s. 381.986.

1631 Section 10. Section 1004.4351, Florida Statutes, is created
1632 to read:

1633 1004.4351 Medical marijuana research and education.—

1634 (1) SHORT TITLE.—This section shall be known and may be
1635 cited as the "Medical Marijuana Research and Education Act."

1636 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1637 (a) The present state of knowledge concerning the use of
1638 marijuana to alleviate pain and treat illnesses is limited

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1639 because permission to perform clinical studies on marijuana is
1640 difficult to obtain, with access to research-grade marijuana so
1641 restricted that little or no unbiased studies have been
1642 performed.

1643 (b) Under the State Constitution, marijuana is available
1644 for the treatment of certain debilitating medical conditions.

1645 (c) Additional clinical studies are needed to ensure that
1646 the residents of this state obtain the correct dosing,
1647 formulation, route, modality, frequency, quantity, and quality
1648 of marijuana for specific illnesses.

1649 (d) An effective medical marijuana research and education
1650 program would mobilize the scientific, educational, and medical
1651 resources that presently exist in this state to determine the
1652 appropriate and best use of marijuana to treat illness.

1653 (3) DEFINITIONS.—As used in this section, the term:

1654 (a) "Board" means the Medical Marijuana Research and
1655 Education Board.

1656 (b) "Coalition" means the Coalition for Medical Marijuana
1657 Research and Education.

1658 (c) "Marijuana" has the same meaning as provided in s. 29,
1659 Art. X of the State Constitution.

1660 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1661 EDUCATION.—

1662 (a) There is established within the H. Lee Moffitt Cancer
1663 Center and Research Institute, Inc., the Coalition for Medical

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1664 Marijuana Research and Education. The purpose of the coalition
1665 is to conduct rigorous scientific research, provide education,
1666 disseminate research, and guide policy for the adoption of a
1667 statewide policy on ordering and dosing practices for the
1668 medical use of marijuana. The coalition shall be physically
1669 located at the H. Lee Moffitt Cancer Center and Research
1670 Institute, Inc.

1671 (b) The Medical Marijuana Research and Education Board is
1672 established to direct the operations of the coalition. The board
1673 shall be composed of seven members appointed by the chief
1674 executive officer of the H. Lee Moffitt Cancer Center and
1675 Research Institute, Inc. Board members must have experience in a
1676 variety of scientific and medical fields, including, but not
1677 limited to, oncology, neurology, psychology, pediatrics,
1678 nutrition, and addiction. Members shall be appointed to 4-year
1679 terms and may be reappointed to serve additional terms. The
1680 chair shall be elected by the board from among its members to
1681 serve a 2-year term. The board shall meet no less than
1682 semiannually at the call of the chair or, in his or her absence
1683 or incapacity, the vice chair. Four members constitute a quorum.
1684 A majority vote of the members present is required for all
1685 actions of the board. The board may prescribe, amend, and repeal
1686 a charter governing the manner in which it conducts its
1687 business. A board member shall serve without compensation but is
1688 entitled to be reimbursed for travel expenses by the coalition

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1689 or the organization he or she represents in accordance with s.
1690 112.061.

1691 (c) The coalition shall be administered by a coalition
1692 director, who shall be appointed by and serve at the pleasure of
1693 the board. The coalition director shall, subject to the approval
1694 of the board:

1695 1. Propose a budget for the coalition.

1696 2. Foster the collaboration of scientists, researchers,
1697 and other appropriate personnel in accordance with the
1698 coalition's charter.

1699 3. Identify and prioritize the research to be conducted by
1700 the coalition.

1701 4. Prepare the Medical Marijuana Research and Education
1702 Plan for submission to the board.

1703 5. Apply for grants to obtain funding for research
1704 conducted by the coalition.

1705 6. Perform other duties as determined by the board.

1706 (d) The board shall advise the Board of Governors, the
1707 State Surgeon General, the Governor, and the Legislature with
1708 respect to medical marijuana research and education in this
1709 state. The board shall explore methods of implementing and
1710 enforcing medical marijuana laws in relation to cancer control,
1711 research, treatment, and education.

1712 (e) The board shall annually adopt a plan for medical
1713 marijuana research, known as the "Medical Marijuana Research and

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1714 Education Plan," which must be in accordance with state law and
1715 coordinate with existing programs in this state. The plan must
1716 include recommendations for the coordination and integration of
1717 medical, pharmacological, nursing, paramedical, community, and
1718 other resources connected with the treatment of debilitating
1719 medical conditions; research related to the treatment of such
1720 medical conditions; and education.

1721 (f) By February 15 of each year, the board shall issue a
1722 report to the Governor, the President of the Senate, and the
1723 Speaker of the House of Representatives on research projects,
1724 community outreach initiatives, and future plans for the
1725 coalition.

1726 (g) Beginning January 15, 2018, and quarterly thereafter,
1727 the Department of Health shall submit to the board a data set
1728 that includes, for each patient registered in the medical
1729 marijuana use registry, the patient's qualifying medical
1730 condition and the daily dose amount and forms of marijuana
1731 certified for the patient.

1732 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1733 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1734 and Research Institute, Inc., shall allocate staff and provide
1735 information and assistance, as the coalition's budget permits,
1736 to assist the board in fulfilling its responsibilities.

1737 Section 11. Subsection (1) of section 1004.441, Florida
1738 Statutes, is amended to read:

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1739 1004.441 Refractory and intractable epilepsy treatment and
1740 research.—

1741 (1) As used in this section, the term "low-THC cannabis"
1742 means "low-THC cannabis" as defined in s. 381.986 that is
1743 dispensed only from a dispensing organization as defined in
1744 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1745 treatment center as defined in s. 381.986.

1746 Section 12. Subsection (8) is added to section 1006.062,
1747 Florida Statutes, to read:

1748 1006.062 Administration of medication and provision of
1749 medical services by district school board personnel.—

1750 (8) Each district school board shall adopt a policy and a
1751 procedure for allowing a student who is a qualified patient, as
1752 defined in s. 381.986, to use marijuana obtained pursuant to
1753 that section. Such policy and procedure shall ensure access by
1754 the qualified patient; identify how the marijuana will be
1755 received, accounted for, and stored; and establish processes to
1756 prevent access by other students and school personnel
1757 unnecessary to the implementation of the policy.

1758 Section 13. Department of Health; authority to adopt
1759 rules; cause of action.—

1760 (1) EMERGENCY RULEMAKING.—

1761 (a) The Department of Health and the applicable boards
1762 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1763 Statutes, and this section necessary to implement ss. 381.986

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1764 and 381.988, Florida Statutes. If an emergency rule adopted
1765 under this section is held to be unconstitutional or an invalid
1766 exercise of delegated legislative authority, and becomes void,
1767 the department or the applicable boards may adopt an emergency
1768 rule pursuant to this section to replace the rule that has
1769 become void. If the emergency rule adopted to replace the void
1770 emergency rule is also held to be unconstitutional or an invalid
1771 exercise of delegated legislative authority and becomes void,
1772 the department and the applicable boards must follow the
1773 nonemergency rulemaking procedures of the Administrative
1774 Procedures Act to replace the rule that has become void.

1775 (b) For emergency rules adopted under this section, the
1776 department and the applicable boards need not make the findings
1777 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1778 adopted under this section are exempt from ss. 120.54(3)(b) and
1779 120.541, Florida Statutes. The department and the applicable
1780 boards shall meet the procedural requirements in s. 120.54(a),
1781 Florida Statutes, if the department or the applicable boards
1782 have, prior to the effective date of this act, held any public
1783 workshops or hearings on the subject matter of the emergency
1784 rules adopted under this subsection. Challenges to emergency
1785 rules adopted under this subsection shall be subject to the time
1786 schedules provided in s. 120.56(5), Florida Statutes.

1787 (c) Emergency rules adopted under this section are exempt
1788 from s. 120.54(4)(c), Florida Statutes, and shall remain in

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1789 effect until replaced by rules adopted under the nonemergency
1790 rulemaking procedures of the Administrative Procedures Act. By
1791 January 1, 2018, the department and the applicable boards shall
1792 initiate nonemergency rulemaking pursuant to the Administrative
1793 Procedures Act to replace all emergency rules adopted under this
1794 section by publishing a notice of rule development in the
1795 Florida Administrative Register. Except as provided in paragraph
1796 (a), after January 1, 2018, the department and applicable boards
1797 may not adopt rules pursuant to the emergency rulemaking
1798 procedures provided in this section.

1799 (2) CAUSE OF ACTION.—

1800 (a) As used in s. 29(d)(3), Art. X of the State
1801 Constitution, the term:

1802 1. "Issue regulations" means the filing by the department
1803 of a rule or emergency rule for adoption with the Department of
1804 State.

1805 2. "Judicial relief" means an action for declaratory
1806 judgment pursuant to chapter 86, Florida Statutes.

1807 (b) The venue for actions brought against the department
1808 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1809 be in the circuit court in and for Leon County.

1810 (c) If the department is not issuing patient and caregiver
1811 identification cards or licensing medical marijuana treatment
1812 centers by October 3, 2017, the following shall be a defense to
1813 a cause of action brought under s. 29(d)(3), Art. X of the State

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1814 Constitution:

1815 1. The department is unable to issue patient and caregiver
1816 identification cards or license medical marijuana treatment
1817 centers due to litigation challenging a rule as an invalid
1818 exercise of delegated legislative authority or unconstitutional.

1819 2. The department is unable to issue patient or caregiver
1820 identification cards or license medical marijuana treatment
1821 centers due to a rule being held as an invalid exercise of
1822 delegated legislative authority or unconstitutional.

1823 Section 14. Department of Law Enforcement; training
1824 related to medical use of marijuana.-The Department of Law
1825 Enforcement shall develop a 4-hour online initial training
1826 course, and a 2-hour online continuing education course, which
1827 shall be made available for use by all law enforcement agencies
1828 in this state. Such training shall cover the legal parameters of
1829 marijuana-related activities governed by ss. 381.986 and
1830 381.988, Florida Statutes, relating to criminal laws governing
1831 marijuana.

1832 Section 15. Section 385.212, Florida Statutes, is amended
1833 to read:

1834 385.212 Powers and duties of the Department of Health;
1835 Office of ~~Medical Marijuana~~ ~~Compassionate~~ Use.-

1836 (1) The Department of Health shall establish an Office of
1837 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1838 Deputy State Health Officer.

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1839 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
1840 enhance access to investigational new drugs for Florida patients
1841 through approved clinical treatment plans or studies. The Office
1842 of Medical Marijuana ~~Compassionate~~ Use may:

1843 (a) Create a network of state universities and medical
1844 centers recognized pursuant to s. 381.925.

1845 (b) Make any necessary application to the United States
1846 Food and Drug Administration or a pharmaceutical manufacturer to
1847 facilitate enhanced access to medical ~~compassionate~~ use of
1848 marijuana for Florida patients.

1849 (c) Enter into any agreements necessary to facilitate
1850 enhanced access to medical ~~compassionate~~ use of marijuana for
1851 Florida patients.

1852 (3) The department may adopt rules necessary to implement
1853 this section.

1854 (4) The Office of Medical Marijuana Use shall administer
1855 and enforce the provisions of s. 381.986.

1856 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
1857 time equivalent positions, with associated salary rate of
1858 2,198,860, are authorized and the sums of \$3.5 million in
1859 nonrecurring funds from the General Revenue Fund and \$4,055,292
1860 in recurring funds and \$1,238,148 in nonrecurring funds from the
1861 Grants and Donations Trust Fund are appropriated to the
1862 Department of Health for the purpose of implementing the
1863 requirements of this act. Of the funds appropriated, \$3,158,572

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1864 in recurring funds and \$1,238,148 in nonrecurring funds from the
1865 Grants and Donations Trust Fund and 27 full-time equivalent
1866 positions shall be placed in reserve. The Department of Health
1867 is authorized to submit budget amendments requesting the release
1868 of funds being held in reserve pursuant to chapter 216, Florida
1869 Statutes contingent upon need and demonstration of fee
1870 collections to support the budget authority.

1871 (2) For the 2017-2018 fiscal year, the sum of \$10 million
1872 in nonrecurring funds from the General Revenue Fund is
1873 appropriated to the Department of Health to implement the
1874 statewide cannabis and marijuana education and illicit use
1875 prevention campaign established under s. 381.989, Florida
1876 Statutes.

1877 (3) For the 2017-2018 fiscal year, the sum of \$5 million
1878 in nonrecurring funds from the Highway Safety Operating Trust
1879 Fund are appropriated to the Department of Highway Safety and
1880 Motor Vehicles to implement the statewide impaired driving
1881 education campaign established under s. 381.989, Florida
1882 Statutes.

1883 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
1884 recurring funds from the Highway Safety Operating Trust Fund is
1885 appropriated to the Department of Highway Safety and Motor
1886 Vehicles for the purpose of training additional law enforcement
1887 officers as drug recognition experts.

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1888 Section 17. This act shall take effect upon becoming a
1889 law.

1890

1891

1892

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

1893

Remove everything before the enacting clause and insert:

1894

A bill to be entitled

1895

An act relating to medical use of marijuana; amending

1896

s. 212.08, F.S.; providing an exemption from the state

1897

tax on sales, use, and other transactions for

1898

marijuana and marijuana delivery devices used for

1899

medical purposes; amending s. 381.986, F.S.;

1900

providing, revising, and deleting definitions;

1901

providing qualifying medical conditions for a patient

1902

to be eligible to receive marijuana or a marijuana

1903

delivery device; providing requirements for

1904

designating a qualified physician or medical director;

1905

providing criteria for certification of a patient for

1906

medical marijuana treatment by a qualified physician;

1907

providing for certain patients registered with the

1908

medical marijuana use registry to be deemed qualified;

1909

requiring the Department of Health to monitor

1910

physician registration and certifications in the

1911

medical marijuana use registry; requiring the Board of

1912

Medicine and the Board of Osteopathic Medicine to

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1913 create a physician certification pattern review panel;
1914 providing rulemaking authority to the department and
1915 the boards; requiring the department to establish a
1916 medical marijuana use registry; specifying entities
1917 and persons who have access to the registry; providing
1918 requirements for registration of, and maintenance of
1919 registered status by, qualified patients and
1920 caregivers; providing criteria for nonresidents to
1921 prove residency for registration as a qualified
1922 patient; defining the term "seasonal resident";
1923 authorizing the department to suspend or revoke the
1924 registration of a patient or caregiver under certain
1925 circumstances; providing requirements for the issuance
1926 of medical marijuana use registry identification
1927 cards; requiring the department to issue licenses to a
1928 certain number of medical marijuana treatment centers;
1929 providing for license renewal and revocation;
1930 providing conditions for change of ownership;
1931 providing for continuance of certain entities
1932 authorized to dispense low-THC cannabis, medical
1933 cannabis, and cannabis delivery devices; requiring a
1934 medical marijuana treatment center to comply with
1935 certain standards in the production and distribution
1936 of edibles; requiring the department to establish,
1937 maintain, and control a computer seed-to-sale

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1938 marijuana tracking system; requiring background
1939 screening of owners, officers, board members, and
1940 managers of medical marijuana treatment centers;
1941 requiring the department to establish protocols and
1942 procedures for operation, conduct periodic
1943 inspections, and restrict location of medical
1944 marijuana treatment centers; providing a limit on
1945 county and municipal permit fees; authorizing counties
1946 and municipalities to determine the location of
1947 medical marijuana treatment centers by ordinance under
1948 certain conditions; providing penalties; authorizing
1949 the department to impose sanctions on persons or
1950 entities engaging in unlicensed activities; providing
1951 that a person is not exempt from prosecution for
1952 certain offenses and is not relieved from certain
1953 requirements of law under certain circumstances;
1954 providing for certain school personnel to possess
1955 marijuana pursuant to certain established policies and
1956 procedures; providing that certain research
1957 institutions may possess, test, transport, and dispose
1958 of marijuana subject to certain conditions; providing
1959 applicability with respect to employer-instituted
1960 drug-free workplace programs; amending ss. 458.331 and
1961 459.015, F.S.; providing additional acts by a
1962 physician or an osteopathic physician which constitute

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1963 grounds for denial of a license or disciplinary action
1964 to which penalties apply; creating s. 381.988, F.S.;
1965 providing for the establishment of medical marijuana
1966 testing laboratories; requiring the Department of
1967 Health, in collaboration with the Department of
1968 Agriculture and Consumer Services and the Department
1969 of Environmental Protection, to develop certification
1970 standards and rules; providing limitations on the
1971 acquisition and distribution of marijuana by a testing
1972 laboratory; providing an exception for transfer of
1973 marijuana under certain conditions; requiring a
1974 testing laboratory to use a department-selected
1975 computer tracking system; providing grounds for
1976 disciplinary and administrative action; authorizing
1977 the department to refuse to issue or renew, or suspend
1978 or revoke, a testing laboratory license; creating s.
1979 381.989, F.S.; defining terms; directing the
1980 department and the Department of Highway Safety and
1981 Motor Vehicles to institute public education campaigns
1982 relating to cannabis and marijuana and impaired
1983 driving; requiring evaluations of public education
1984 campaigns; authorizing the department and the
1985 Department of Highway Safety and Motor Vehicles to
1986 contract with vendors to implement and evaluate the
1987 campaigns; amending ss. 385.211, 499.0295, and 893.02,

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1988 F.S.; conforming provisions to changes made by the
1989 act; creating s. 1004.4351, F.S.; providing a short
1990 title; providing legislative findings; defining terms;
1991 establishing the Coalition for Medical Marijuana
1992 Research and Education within the H. Lee Moffitt
1993 Cancer Center and Research Institute, Inc.; providing
1994 a purpose for the coalition; establishing the Medical
1995 Marijuana Research and Education Board to direct the
1996 operations of the coalition; providing for the
1997 appointment of board members; providing for terms of
1998 office, reimbursement for certain expenses, and
1999 meetings of the board; authorizing the board to
2000 appoint a coalition director; prescribing the duties
2001 of the coalition director; requiring the board to
2002 advise specified entities and officials regarding
2003 medical marijuana research and education in this
2004 state; requiring the board to annually adopt a Medical
2005 Marijuana Research and Education Plan; providing
2006 requirements for the plan; requiring the board to
2007 issue an annual report to the Governor and the
2008 Legislature by a specified date; requiring the
2009 Department of Health to submit reports to the board
2010 containing specified data; specifying responsibilities
2011 of the H. Lee Moffitt Cancer Center and Research
2012 Institute, Inc.; amending s. 1004.441, F.S.; revising

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2013 a definition; amending s. 1006.062, F.S.; requiring
2014 district school boards to adopt policies and
2015 procedures for access to medical marijuana by
2016 qualified patients who are students; providing
2017 emergency rulemaking authority; providing for venue
2018 for a cause of action against the department;
2019 providing for defense against certain causes of
2020 action; directing the Department of Law Enforcement to
2021 develop training for law enforcement officers and
2022 agencies; amending s. 385.212, F.S.; renaming the
2023 department's Office of Compassionate Use; providing
2024 appropriations; providing an effective date.

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