

1 A bill to be entitled
2 An act relating to medical use of marijuana; amending
3 s. 212.08, F.S.; providing an exemption from the state
4 tax on sales, use, and other transactions for
5 marijuana and marijuana delivery devices used for
6 medical purposes; amending s. 381.986, F.S.;
7 providing, revising, and deleting definitions;
8 providing qualifying medical conditions for a patient
9 to be eligible to receive marijuana or a marijuana
10 delivery device; providing requirements for
11 designating a qualified physician; providing criteria
12 for certification of a patient for medical marijuana
13 treatment by a qualified physician; providing for
14 certain patients registered with the compassionate use
15 registry to be deemed qualified; requiring the
16 Department of Health to monitor physician registration
17 and certifications in the medical marijuana use
18 registry; requiring the Board of Medicine and the
19 Board of Osteopathic Medicine to create a physician
20 certification pattern review panel; providing
21 rulemaking authority to the department and the boards;
22 requiring the department to establish a medical
23 marijuana use registry; specifying entities and
24 persons who have access to the registry; providing
25 requirements for registration of, and maintenance of

26 registered status by, qualified patients and
27 caregivers; authorizing the department to revoke the
28 registration of a patient or caregiver under certain
29 circumstances; providing requirements for the issuance
30 of medical marijuana use registry identification
31 cards; requiring the department to issue licenses to a
32 certain number of medical marijuana treatment centers;
33 providing for license renewal and revocation;
34 providing for continuance of certain entities
35 authorized to dispense low-THC cannabis, medical
36 cannabis, and cannabis delivery devices; requiring
37 background screening of owners, officers, board
38 members, and managers of medical marijuana treatment
39 centers; requiring the department to establish,
40 maintain, and control a computer seed-to-sale
41 marijuana tracking system; requiring the department to
42 establish protocols and procedures for operation,
43 conduct periodic inspections, and restrict location of
44 medical marijuana treatment centers; providing a limit
45 on county and municipal permit fees; providing
46 penalties; authorizing the department to impose
47 sanctions on persons or entities engaging in
48 unlicensed activities; providing that a person is not
49 exempt from prosecution for certain offenses and is
50 not relieved from certain requirements of law under

51 certain circumstances; providing for certain school
52 personnel to possess marijuana pursuant to certain
53 established policies and procedures; amending ss.
54 458.331 and 459.015, F.S.; providing additional acts
55 by a physician or an osteopathic physician which
56 constitute grounds for denial of a license or
57 disciplinary action to which penalties apply; creating
58 s. 381.988, F.S.; providing for the establishment of
59 medical marijuana testing laboratories; requiring the
60 Department of Health, in collaboration with the
61 Department of Agriculture and Consumer Services and
62 the Department of Environmental Protection, to develop
63 certification standards and rules; creating s.
64 381.989, F.S.; directing the department and the
65 Department of Highway Safety and Motor Vehicles to
66 institute public education campaigns relating to
67 cannabis and marijuana and impaired driving; requiring
68 evaluations of public education campaigns; authorizing
69 the department and the Department of Highway Safety
70 and Motor Vehicles to contract with vendors to
71 implement and evaluate the campaigns; amending ss.
72 385.211, 499.0295, and 893.02, F.S.; conforming
73 provisions to changes made by the act; creating s.
74 1004.4351, F.S.; providing a short title; providing
75 legislative findings; defining terms; establishing the

76 Coalition for Medical Marijuana Research and Education
77 within the H. Lee Moffitt Cancer Center and Research
78 Institute, Inc.; providing a purpose for the
79 coalition; establishing the Medical Marijuana Research
80 and Education Board to direct the operations of the
81 coalition; providing for the appointment of board
82 members; providing for terms of office, reimbursement
83 for certain expenses, and meetings of the board;
84 authorizing the board to appoint a coalition director;
85 prescribing the duties of the coalition director;
86 requiring the board to advise specified entities and
87 officials regarding medical marijuana research and
88 education in this state; requiring the board to
89 annually adopt a Medical Marijuana Research and
90 Education Plan; providing requirements for the plan;
91 requiring the board to issue an annual report to the
92 Governor and the Legislature by a specified date;
93 specifying responsibilities of the H. Lee Moffitt
94 Cancer Center and Research Institute, Inc.; amending
95 s. 1004.441, F.S.; revising a definition; amending s.
96 1006.062, F.S.; requiring district school boards to
97 adopt policies and procedures for access to medical
98 marijuana by qualified patients who are students;
99 providing emergency rulemaking authority; providing
100 for venue for a cause of action against the

101 department; providing for defense against certain
 102 causes of action; directing the Department of Law
 103 Enforcement to develop training for law enforcement
 104 officers and agencies; amending s. 385.212, F.S.;
 105 renaming the department's Office of Compassionate Use;
 106 conforming terminology; providing appropriations;
 107 providing an effective date.

108

109 Be It Enacted by the Legislature of the State of Florida:

110

111 Section 1. Paragraph (l) of subsection (2) of section
 112 212.08, Florida Statutes, is redesignated as paragraph (m), and
 113 a new paragraph (l) is added to that subsection, to read:

114 212.08 Sales, rental, use, consumption, distribution, and
 115 storage tax; specified exemptions.—The sale at retail, the
 116 rental, the use, the consumption, the distribution, and the
 117 storage to be used or consumed in this state of the following
 118 are hereby specifically exempt from the tax imposed by this
 119 chapter.

120 (2) EXEMPTIONS; MEDICAL.—

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

124 Section 2. Section 381.986, Florida Statutes, is amended
 125 to read:

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

128 381.986 Medical use of marijuana.—

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

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

134 (b) "Low-THC cannabis" means a plant of the genus
135 Cannabis, the dried flowers of which contain 0.8 percent or less
136 of tetrahydrocannabinol and more than 10 percent of cannabidiol
137 weight for weight; the seeds thereof; the resin extracted from
138 any part of such plant; or any compound, manufacture, salt,
139 derivative, mixture, or preparation of such plant or its seeds
140 or resin that is dispensed from a medical marijuana treatment
141 center.

142 (c) "Marijuana" means all parts of any plant of the genus
143 Cannabis, whether growing or not; the seeds thereof; the resin
144 extracted from any part of the plant; and every compound,
145 manufacture, salt, derivative, mixture, or preparation of the
146 plant or its seeds or resin, including low-THC cannabis, which
147 are dispensed from a medical marijuana treatment center for
148 medical use by a qualified patient.

149 (d) "Marijuana delivery device" means an object used,
150 intended for use, or designed for use in preparing, storing,

151 ingesting, inhaling, or otherwise introducing marijuana into the
152 human body, which is dispensed from a medical marijuana
153 treatment center for medical use by a qualified patient.

154 (e) "Marijuana testing laboratory" means a facility that
155 collects and analyzes marijuana samples from a medical marijuana
156 treatment center and has been certified by the department
157 pursuant to s. 381.988.

158 (f) "Medical director" means a person who holds an active,
159 unrestricted license as an allopathic physician under chapter
160 458 or osteopathic physician under chapter 459 and is in
161 compliance with the requirements of paragraph (3) (a).

162 (g) "Medical use" means the acquisition, possession, use,
163 delivery, transfer, or administration of marijuana authorized by
164 a physician certification. The term does not include:

165 1. Possession, use, or administration of marijuana that
166 was not purchased or acquired from a medical marijuana treatment
167 center.

168 2. Possession, use, or administration of marijuana seeds
169 or flower or in a form for smoking or vaping or in the form of
170 commercially produced food items made with marijuana or
171 marijuana oils, except for vapable forms possessed, used, or
172 administered by or for a qualified patient diagnosed with a
173 terminal condition.

174 3. Use or administration of any form or amount of
175 marijuana in a manner that is inconsistent with the qualified

176 physician's directions or physician certification.

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

180 5. Use or administration of marijuana in the following
181 locations:

182 a. On any form of public transportation.

183 b. In any public place.

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

186 d. In a state correctional institution, as defined in s.
187 944.02, or a correctional institution, as defined in s. 944.241.

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

190 f. In a school bus, a vehicle, an aircraft, or a
191 motorboat.

192 (h) "Physician certification" means a qualified
193 physician's authorization for a qualified patient to receive
194 marijuana and a marijuana delivery device from a medical
195 marijuana treatment center.

196 (i) "Qualified patient" means a resident of this state who
197 has been added to the medical marijuana use registry by a
198 qualified physician to receive marijuana or a marijuana delivery
199 device for a medical use and who has a qualified patient
200 identification card.

201 (j) "Qualified physician" means a person who holds an
 202 active, unrestricted license as an allopathic physician under
 203 chapter 458 or as an osteopathic physician under chapter 459 and
 204 is in compliance with the physician education requirements of
 205 subsection (3).

206 (k) "Smoking" means burning or igniting a substance and
 207 inhaling the smoke.

208 (l) "Terminal condition" means a progressive disease or
 209 medical or surgical condition that causes significant functional
 210 impairment, is not considered by a treating physician to be
 211 reversible without the administration of life-sustaining
 212 procedures, and will result in death within 1 year after
 213 diagnosis if the condition runs its normal course.

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

217 (a) Cancer.

218 (b) Epilepsy.

219 (c) Glaucoma.

220 (d) Positive status for human immunodeficiency virus.

221 (e) Acquired immune deficiency syndrome.

222 (f) Post-traumatic stress disorder.

223 (g) Amyotrophic lateral sclerosis.

224 (h) Crohn's disease.

225 (i) Parkinson's disease.

226 (j) Multiple sclerosis.

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

229 (l) A terminal condition diagnosed by a physician other
 230 than the qualified physician issuing the physician
 231 certification.

232 (3) QUALIFIED PHYSICIANS.-To be approved as a qualified
 233 physician, as defined in paragraph (1)(j), a physician must:

234 (a) Successfully complete a 2-hour course and subsequent
 235 examination approved by the applicable board which encompass the
 236 requirements of this section and any rules adopted hereunder.
 237 The course and examination shall be administered at least
 238 annually and may be offered in a distance learning format,
 239 including an electronic, online format that is available upon
 240 request. A physician who has met the physician education
 241 requirements of former s. 381.986(4), Florida Statutes 2016,
 242 before the effective date of this section, shall be deemed to be
 243 in compliance with this paragraph from the effective date of
 244 this act until 90 days after the course and examination required
 245 by this paragraph become available.

246 (b) Not be employed by, or have any direct or indirect
 247 economic interest in, a medical marijuana treatment center or
 248 marijuana testing laboratory.

249 (4) PHYSICIAN CERTIFICATION.-

250 (a) A qualified physician may issue a physician

251 certification only if the qualified physician:

252 1. Conducted a physical examination while physically
253 present in the same room as the patient and a full assessment of
254 the medical history of the patient.

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

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

261 b. Documentation that establishes the efficacy of
262 marijuana as treatment for the condition.

263 c. Documentation supporting the qualified physician's
264 opinion that medical use of marijuana would likely outweigh the
265 potential health risks for the patient.

266 d. Any other documentation requested by the board.

267 3. Treated the patient for at least 3 months immediately
268 preceding the patient's registration in the medical marijuana
269 use registry, except for a patient who has been diagnosed with a
270 terminal condition. A physician may not initiate or maintain the
271 physician-patient relationship through the use of telemedicine.

272 4. Determined that the medical use of marijuana would
273 likely outweigh the potential health risks for the patient. If a
274 patient is younger than 18 years of age, a second physician must
275 concur with this determination, and such determination must be

276 | documented in the patient's medical record.

277 | 5. Determined that the patient is not pregnant and
278 | documented such determination in the patient's medical record. A
279 | physician may not issue a physician certification to a patient
280 | who is pregnant.

281 | 6. Reviewed the patient's controlled drug prescription
282 | history in the prescription drug monitoring program database
283 | established pursuant to s. 893.055.

284 | 7. Reviewed the medical marijuana use registry and
285 | confirmed that the patient does not have an active physician
286 | certification from another qualified physician.

287 | 8. Registers as the issuer of the physician certification
288 | for the named qualified patient on the medical marijuana use
289 | registry in an electronic manner determined by the department,
290 | and:

291 | a. Enters into the registry the contents of the physician
292 | certification, including the patient's qualifying condition and
293 | the dosage not to exceed the daily dose amount determined by the
294 | department, the amount and forms of marijuana authorized for the
295 | patient, and any types of marijuana delivery devices needed by
296 | the patient for the medical use of marijuana.

297 | b. Updates the registry within 7 days after any change is
298 | made to the original physician certification to reflect such
299 | change.

300 | c. Deactivates the registration of the qualified patient

301 and the patient's caregiver when the physician no longer
302 recommends the medical use of marijuana for the patient.

303 9. Maintains an individualized patient treatment plan that
304 includes the qualified patient's qualifying condition and the
305 dose, route of administration, planned duration, treatment
306 objectives, plan for assessing and monitoring the qualified
307 patient's risk of aberrant drug-related behavior, and plan for
308 monitoring the qualified patient's symptoms and other indicators
309 of tolerance or reaction to the marijuana.

310 10. Submits the patient treatment plan quarterly to the
311 University of Florida College of Pharmacy for research on the
312 safety and efficacy of marijuana.

313 11. Obtains the voluntary and informed written consent of
314 the patient for medical use of marijuana each time the qualified
315 physician issues a physician certification for the patient,
316 which shall be maintained in the patient's medical record. The
317 patient, or the patient's parent or legal guardian if the
318 patient is a minor, must sign the informed consent acknowledging
319 that the qualified physician has sufficiently explained its
320 content. The qualified physician must use a standardized
321 informed consent form adopted in rule by the Board of Medicine
322 and the Board of Osteopathic Medicine, which must include, at a
323 minimum, information related to:

324 a. The Federal Government's classification of marijuana as
325 a Schedule I controlled substance.

326 b. The approval and oversight status of marijuana by the
327 Food and Drug Administration.

328 c. The current state of research on the efficacy of
329 marijuana to treat the qualifying conditions set forth in this
330 section.

331 d. The potential for addiction.

332 e. The potential effect that marijuana may have on a
333 patient's coordination, motor skills, and cognition, including a
334 warning against operating heavy machinery, operating a motor
335 vehicle, or engaging in activities that require a person to be
336 alert or respond quickly.

337 f. The potential side effects of marijuana use.

338 g. The risks, benefits, and drug interactions of
339 marijuana.

340 h. That the patient's de-identified health information
341 contained in the physician certification, treatment plan, and
342 medical marijuana use registry may be used for research
343 purposes.

344 (b) A qualified physician may not issue a physician
345 certification for more than a 90-day supply of marijuana. The
346 department shall quantify by rule a daily dose amount with
347 equivalent dose amounts for each allowable form of marijuana
348 dispensed by a medical marijuana treatment center. The
349 department shall use the daily dose amount to calculate a 90-day
350 supply.

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

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

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

358 c. A description of how the patient will benefit from an
359 increased daily dose amount.

360 d. The minimum daily dose amount of marijuana that would
361 be sufficient for the treatment of the qualified patient's
362 qualifying medical condition.

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

365 3. The department shall approve or disapprove the request
366 within 30 days after receipt of the complete documentation
367 required by this paragraph. The request shall be deemed approved
368 if the department fails to act within this time period.

369 (c) A qualified physician must evaluate an existing
370 patient at least once every 90 days to determine if the patient
371 still meets the requirements of paragraph (a).

372 (d) An active order for low-THC cannabis or medical
373 cannabis issued pursuant to former s. 381.986, Florida Statutes
374 2016, and registered with the compassionate use registry before
375 the effective date of this section, is deemed a physician

376 certification, and all patients possessing such orders are
377 deemed qualified patients until the department begins issuing
378 medical marijuana use registry identification cards.

379 (e) The department shall monitor physician registration in
380 the medical marijuana use registry and the issuance of physician
381 certifications for practices that could facilitate unlawful
382 diversion or misuse of marijuana or a marijuana delivery device
383 and shall take disciplinary action as appropriate.

384 (f) The Board of Medicine and the Board of Osteopathic
385 Medicine shall jointly create a physician certification pattern
386 review panel that shall review all physician certifications
387 submitted to the medical marijuana use registry. The panel shall
388 track and report the number of physician certifications and the
389 qualifying medical conditions, dosage, daily dose amount, and
390 form of marijuana certified. The panel shall report the data
391 both by individual qualified physician and in the aggregate, by
392 county, and statewide. The physician certification pattern
393 review panel shall, beginning January 1, 2018, submit an annual
394 report of its findings and recommendations to the Governor, the
395 President of the Senate, and the Speaker of the House of
396 Representatives.

397 (g) The department, the Board of Medicine, and the Board
398 of Osteopathic Medicine may adopt rules pursuant to ss.
399 120.536(1) and 120.54 to implement this subsection.

400 (5) MEDICAL MARIJUANA USE REGISTRY.—

401 (a) The department shall create and maintain a secure,
402 electronic, and online medical marijuana use registry for
403 physicians, patients, and caregivers as provided under this
404 section. The medical marijuana use registry must be accessible
405 to law enforcement agencies, qualified physicians, and medical
406 marijuana treatment centers to verify the authorization of a
407 qualified patient or a caregiver to possess marijuana or a
408 marijuana delivery device and record the marijuana or marijuana
409 delivery device dispensed. The medical marijuana use registry
410 must also be accessible to practitioners licensed to prescribe
411 prescription drugs to ensure proper care for patients before
412 medications that may interact with the medical use of marijuana
413 are prescribed. The medical marijuana use registry must prevent
414 an active registration of a qualified patient by multiple
415 physicians.

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

420 1. An adult must provide the department with a copy of his
421 or her valid Florida driver license issued under s. 322.18 or a
422 valid Florida identification card issued under s. 322.051 and a
423 copy of one of the following documents:

424 a. Proof of voter registration in this state.

425 b. A utility bill in the individual's name including a

426 Florida address which matches the address on the individual's
427 Florida driver license or Florida identification card.

428 c. The address as listed on federal income tax returns
429 filed by the individual seeking to prove residency which matches
430 the address on the individual's Florida driver license or
431 Florida identification card.

432 2. A minor must provide the department with a certified
433 copy of a birth certificate or a current record of registration
434 from a Florida K-12 school and must have a parent or legal
435 guardian who meets the requirements of subparagraph (6) (b)1.

436 (c) The department may suspend or revoke the registration
437 of a qualified patient or caregiver if the qualified patient or
438 caregiver:

439 1. Provides misleading, incorrect, false, or fraudulent
440 information to the department;

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

443 3. Falsifies, alters, or otherwise modifies an
444 identification card;

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

447 5. Violates the requirements of this section or any rule
448 adopted under this section.

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

451 chapter 893 until final disposition of any alleged offense.
 452 Thereafter, the department may extend the suspension, revoke the
 453 registration, or reinstate the registration.

454 (e) The department shall immediately suspend the
 455 registration of any caregiver charged with a violation of
 456 chapter 893 until final disposition of any alleged offense. The
 457 department shall revoke a caregiver registration if the
 458 caregiver does not meet the requirements of subparagraph
 459 (6) (b) 6.

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

464 (g) The department shall revoke the registration of a
 465 qualified patient, and the patient's associated caregiver, upon
 466 notification that the patient no longer meets the criteria of a
 467 qualified patient.

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

470 (6) CAREGIVERS.—

471 (a) The department must register an individual as a
 472 caregiver on the medical marijuana use registry and issue a
 473 caregiver identification card if an individual designated by a
 474 qualified patient meets all of the requirements of this
 475 subsection and department rule.

- 476 (b) A caregiver must:
- 477 1. Not be a qualified physician and not be employed by or
- 478 have an economic interest in a medical marijuana treatment
- 479 center or a marijuana testing laboratory.
- 480 2. Be 21 years of age or older and a resident of this
- 481 state.
- 482 3. Agree in writing to assist with the qualified patient's
- 483 medical use of marijuana.
- 484 4. Be registered in the medical marijuana use registry as
- 485 a caregiver for no more than one qualified patient, except as
- 486 provided in this paragraph.
- 487 5. Successfully complete a caregiver certification course
- 488 and subsequent examination developed and administered by the
- 489 department or its designee, which must be renewed biennially.
- 490 6. Pass a background screening pursuant to subsection (9).
- 491 (c) A qualified patient may designate no more than one
- 492 caregiver to assist with the qualified patient's medical use of
- 493 marijuana, unless:
- 494 1. The qualified patient is a minor;
- 495 2. The qualified patient is an adult who has an
- 496 intellectual or developmental disability that prevents the adult
- 497 from being able to protect or care for himself or herself
- 498 without assistance or supervision; or
- 499 3. The qualified patient is admitted to a hospice program.
- 500 (d) A caregiver may be registered in the medical marijuana

501 use registry as a designated caregiver for no more than one
502 qualified patient, unless:

503 1. The caregiver is a parent or legal guardian of more
504 than one minor child who is a qualified patient;

505 2. The caregiver is a parent or legal guardian of more
506 than one adult child who is a qualified patient and who has an
507 intellectual or developmental disability that prevents the adult
508 child from being able to protect or care for himself or herself
509 without assistance or supervision; or

510 3. All qualified patients the caregiver has agreed to
511 assist are admitted to a hospice program and have requested the
512 assistance of that caregiver with the medical use of marijuana;
513 the caregiver is an employee of the hospice; and the caregiver
514 provides personal care or other services directly to clients of
515 the hospice in the scope of that employment.

516 (e) A caregiver may not receive compensation for any
517 services provided to the qualified patient but may recover
518 caregiver certification fees.

519 (f) If a qualified patient is younger than 18 years of
520 age, only a caregiver may purchase or administer marijuana for
521 medical use by the qualified patient. The qualified patient may
522 not purchase marijuana.

523 (g) A caregiver must be in immediate possession of his or
524 her medical marijuana use registry identification card at all
525 times when in possession of marijuana or a marijuana delivery

526 device and must present his or her medical marijuana use
527 registry identification card upon the request of a law
528 enforcement officer.

529 (h) The department may adopt rules pursuant to ss.
530 120.536(1) and 120.54 to implement this subsection.

531 (7) IDENTIFICATION CARDS.-

532 (a) The department shall issue medical marijuana use
533 registry identification cards for qualified patients and
534 caregivers who are residents of this state, which must be
535 renewed annually. The identification cards must be resistant to
536 counterfeiting and tampering and must include, at a minimum, the
537 following:

538 1. The name, address, and date of birth of the qualified
539 patient or caregiver.

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

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

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

546 5. For a caregiver, the name and unique numeric identifier
547 of the caregiver and the qualified patient or patients that the
548 caregiver is assisting.

549 6. The expiration date of the identification card.

550 (b) The department must receive written consent from a

551 qualified patient's parent or legal guardian before it may issue
552 an identification card to a qualified patient who is a minor.

553 (c) The department shall, by July 3, 2017, adopt rules
554 pursuant to ss. 120.536(1) and 120.54 establishing procedures
555 for the issuance, renewal, suspension, replacement, surrender,
556 and revocation of medical marijuana use registry identification
557 cards and shall begin issuing qualified patient identification
558 cards by October 3, 2017.

559 (d) Applications for identification cards must be
560 submitted on a form prescribed by the department. The department
561 may charge a reasonable fee associated with the issuance,
562 replacement, and renewal of identification cards. The department
563 may contract with a third-party vendor to issue identification
564 cards. The vendor selected by the department must have
565 experience performing similar functions for other state
566 agencies.

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

570 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

571 (a) The department shall license medical marijuana
572 treatment centers to ensure reasonable statewide accessibility
573 and availability as necessary for qualified patients registered
574 in the medical marijuana use registry and who are issued a
575 physician certification under this section.

576 1. The department shall license as a medical marijuana
577 treatment center any entity that holds an active, unrestricted
578 license to cultivate, process, transport, and dispense low-THC
579 cannabis, medical cannabis, and cannabis delivery devices, under
580 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
581 and which meets the requirements of this section. In addition to
582 the authority granted under this section, these entities are
583 authorized to dispense low-THC cannabis, medical cannabis, and
584 cannabis delivery devices ordered pursuant to former s. 381.986,
585 Florida Statutes 2016, which were entered into the compassionate
586 use registry before July 1, 2017. The department may grant
587 variances from the representations made in such an entity's
588 original application for approval under former s. 381.986,
589 Florida Statutes 2014, pursuant to paragraph (e).

590 2. The department shall also license as a medical
591 marijuana treatment center any applicant that was denied a
592 dispensing organization license by the department under former
593 s. 381.986, Florida Statutes 2014, if the applicant is awarded a
594 license pursuant to an administrative or legal challenge filed
595 prior to January 1, 2017, and meets the requirements of this
596 section.

597 3. Upon the registration of 150,000 active qualified
598 patients in the medical marijuana use registry, the department
599 shall also license as a medical marijuana treatment center one
600 applicant per region which was a dispensing organization

601 applicant under former s. 381.986, Florida Statutes 2014; was
602 the next-highest scoring applicant after the applicant or
603 applicants that were awarded a license for that region; is not
604 licensed in another region; and meets the requirements of this
605 section.

606 4. Upon the registration of 150,000 active qualified
607 patients in the medical marijuana use registry, the department
608 shall also license as a medical marijuana treatment center one
609 applicant that is a recognized class member of Pigford v.
610 Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers
611 Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the
612 Black Farmers and Agriculturalists Association; and meets the
613 requirements of this section.

614 5. Upon the registration of 200,000 active qualified
615 patients in the medical marijuana use registry, the department
616 shall license five additional medical marijuana treatment
617 centers that meet the requirements of this section. Thereafter,
618 the department shall license three medical marijuana treatment
619 centers upon the registration of each additional 100,000 active
620 qualified patients in the medical marijuana use registry who
621 meet the requirements of this section.

622 (b) An applicant for licensure as a medical marijuana
623 treatment center shall apply to the department on a form
624 prescribed by the department and adopted in rule. The department
625 shall adopt rules pursuant to ss. 120.536(1) and 120.54

626 establishing a procedure for the issuance and biennial renewal
627 of licenses, including initial application and biennial renewal
628 fees sufficient to cover the costs of administering this
629 licensure program. The department shall issue a license to an
630 applicant if the applicant meets the requirements of this
631 section and pays the initial application fee. The department
632 shall renew the licensure of a medical marijuana treatment
633 center biennially if the licensee meets the requirements of this
634 section and pays the biennial renewal fee. An applicant for
635 licensure as a medical marijuana treatment center must
636 demonstrate:

637 1. The technical and technological ability to cultivate
638 and produce marijuana, including, but not limited to, low-THC
639 cannabis. The applicant must possess a valid certificate of
640 registration issued by the Department of Agriculture and
641 Consumer Services pursuant to s. 581.131 which is issued for the
642 cultivation of more than 400,000 plants, be operated by a
643 nurseryman as defined in s. 581.011, and have operated as a
644 registered nursery in this state for at least 5 continuous
645 years.

646 2. The ability to secure the premises, resources, and
647 personnel necessary to operate as a medical marijuana treatment
648 center.

649 3. The ability to maintain accountability of all raw
650 materials, finished products, and any byproducts to prevent

651 diversion or unlawful access to or possession of these
652 substances.

653 4. An infrastructure reasonably located to dispense
654 marijuana to registered qualified patients statewide or
655 regionally as determined by the department.

656 5. The financial ability to maintain operations for the
657 duration of the 2-year approval cycle, including the provision
658 of certified financial statements to the department. Upon
659 approval, the applicant must post a \$5 million performance bond.
660 However, a medical marijuana treatment center serving at least
661 1,000 qualified patients is only required to maintain a \$2
662 million performance bond.

663 6. That all owners, officers, board members, and managers
664 have passed a background screening pursuant to subsection (9).

665 7. The employment of a medical director to supervise the
666 activities of the medical marijuana treatment center.

667 (c) A medical marijuana treatment center may make a
668 wholesale purchase of marijuana from, or a distribution of
669 marijuana to, another medical marijuana treatment center.

670 (d) The department shall establish, maintain, and control
671 a computer software tracking system that traces marijuana from
672 seed to sale and allows real-time, 24-hour access by the
673 department to data from all medical marijuana treatment centers
674 and marijuana testing laboratories. The tracking system must
675 allow for integration of other seed-to-sale systems and, at a

676 minimum, include notification of when marijuana seeds are
677 planted, when marijuana plants are harvested and destroyed, and
678 when marijuana is transported, sold, stolen, diverted, or lost.
679 Each medical marijuana treatment center shall use the seed-to-
680 sale tracking system established by the department or integrate
681 its own seed-to-sale tracking system with the seed-to-sale
682 tracking system established by the department. Each medical
683 marijuana treatment center may use its own seed-to-sale system,
684 until the department establishes a seed-to-sale tracking system.
685 The department may contract with a vendor to establish the seed-
686 to-sale tracking system. The vendor selected by the department
687 may not have a contractual relationship with the department to
688 perform any services pursuant to this section other than the
689 seed-to-sale tracking system. The vendor may not have a direct
690 or indirect financial interest in a medical marijuana treatment
691 center or a marijuana testing laboratory.

692 (e) A licensed medical marijuana treatment center must, at
693 all times, maintain compliance with the criteria demonstrated
694 and representations made in the initial application and the
695 criteria established in this subsection. Upon request, the
696 department may grant a medical marijuana treatment center a
697 variance from the representations made in the initial
698 application. Consideration of such a request shall be based upon
699 the individual facts and circumstances surrounding the request.
700 A variance may not be granted unless the requesting medical

701 marijuana treatment center can demonstrate to the department
702 that it has a proposed alternative to the specific
703 representation made in its application which fulfills the same
704 or a similar purpose as the specific representation in a way
705 that the department can reasonably determine will not be a lower
706 standard than the specific representation in the application. A
707 variance may not be granted from the requirements in
708 subparagraph 1. and subparagraph (b)1.

709 1. A medical marijuana treatment center, and any
710 individual or entity who directly or indirectly owns, controls,
711 or holds with power to vote 25 percent or more of the voting
712 shares of a medical marijuana treatment center, may not acquire
713 direct or indirect ownership or control of more than 5 percent
714 of the voting shares or other form of ownership of any other
715 medical marijuana treatment center.

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

719 3. Each medical marijuana treatment center must adopt and
720 enforce policies and procedures to ensure employees and
721 volunteers receive training on the legal requirements to
722 dispense marijuana to qualified patients.

723 4. When growing marijuana, a medical marijuana treatment
724 center:

725 a. May use pesticides determined by the department, after

726 consultation with the Department of Agriculture and Consumer
727 Services, to be safely applied to plants intended for human
728 consumption, but may not use pesticides designated as
729 restricted-use pesticides pursuant to s. 487.042.

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

732 c. Must inspect seeds and growing plants for plant pests
733 that endanger or threaten the horticultural and agricultural
734 interests of the state in accordance with chapter 581 and any
735 rules adopted thereunder.

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

739 5. Each medical marijuana treatment center must produce
740 and make available for purchase at least one low-THC cannabis
741 product.

742 6. When processing marijuana, a medical marijuana
743 treatment center must:

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

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

748 c. Test the processed marijuana using a medical marijuana
749 testing laboratory before it is dispensed. Results must be
750 verified and signed by two medical marijuana treatment center

751 employees. Before dispensing, the medical marijuana treatment
752 center must determine that the test results indicate that low-
753 THC cannabis meets the definition of low-THC cannabis and that
754 all marijuana is safe for human consumption and free from
755 contaminants that are unsafe for human consumption. The
756 Department of Health shall determine by rule which contaminants
757 must be tested for and the maximum levels of each contaminant
758 which are safe for human consumption. The medical marijuana
759 treatment center must retain records of all testing and samples
760 of each homogenous batch of marijuana for at least 9 months. The
761 medical marijuana treatment center must contract with a
762 marijuana testing laboratory to perform audits on the medical
763 marijuana treatment center's standard operating procedures,
764 testing records, and samples and provide the results to the
765 department to confirm that the marijuana or low-THC cannabis
766 meets the requirements of this section and that the marijuana or
767 low-THC cannabis is safe for human consumption. A medical
768 marijuana treatment center shall reserve two processed samples
769 from each batch and retain such samples for at least 9 months
770 for the purpose such audits. A medical marijuana treatment
771 center may use a laboratory that has not been certified by the
772 department under s. 381.988 until such time as at least one
773 laboratory holds the required certification, but in no event
774 later than July 1, 2018.

775 d. Package the marijuana in compliance with the United

776 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
777 1471 et seq.

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

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

782 (II) The name of the medical marijuana treatment center
783 from which the marijuana originates.

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

786 (IV) The name of the physician who issued the physician
787 certification.

788 (V) The name of the patient.

789 (VI) The product name, if applicable, and dosage form,
790 including concentration of tetrahydrocannabinol and cannabidiol.
791 The product name may not contain wording commonly associated
792 with products marketed by or to children.

793 (VII) The recommended dose.

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

796 (IX) A marijuana universal symbol developed by the
797 department.

798 7. The medical marijuana treatment center shall include in
799 each package a patient package insert with information on the
800 specific product dispensed related to:

- 801 a. Clinical pharmacology.
- 802 b. Indications and use.
- 803 c. Dosage and administration.
- 804 d. Dosage forms and strengths.
- 805 e. Contraindications.
- 806 f. Warnings and precautions.
- 807 g. Adverse reactions.
- 808 8. When dispensing marijuana or a marijuana delivery
- 809 device, a medical marijuana treatment center:
- 810 a. May dispense any active, valid order for low-THC
- 811 cannabis, medical cannabis and cannabis delivery devices issued
- 812 pursuant to former s. 381.986, Florida Statutes 2016, which was
- 813 been entered into the medical marijuana use registry before July
- 814 1, 2017.
- 815 b. May not dispense more than a 90-day supply of marijuana
- 816 to a qualified patient or caregiver.
- 817 c. Must have the medical marijuana treatment center's
- 818 employee who dispenses the marijuana or a marijuana delivery
- 819 device enter into the medical marijuana use registry his or her
- 820 name or unique employee identifier.
- 821 d. Must verify that the qualified patient and the
- 822 caregiver, if applicable, each has an active registration in the
- 823 medical marijuana use registry and an active and valid medical
- 824 marijuana use registry identification card, the amount and type
- 825 of marijuana dispensed matches the physician's certification in

826 the medical marijuana use registry for that qualified patient,
827 and the physician certification has not already been filled.

828 e. May not dispense marijuana to a qualified patient that
829 is younger than 18 years of age. If the qualified patient is
830 younger than 18 years of age, marijuana may only be dispensed to
831 the qualified patient's caregiver.

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

837 g. Must, upon dispensing the marijuana or marijuana
838 delivery device, record in the medical marijuana use registry
839 the date, time, quantity, and form of marijuana dispensed; the
840 type of marijuana delivery device dispensed; and the name and
841 medical marijuana use registry identification number of the
842 qualified patient or caregiver to whom the marijuana delivery
843 device was dispensed.

844 (f) To ensure the safety and security of premises where
845 the cultivation, processing, storing, or dispensing of marijuana
846 occurs, and to maintain adequate controls against the diversion,
847 theft, and loss of marijuana or marijuana delivery devices, a
848 medical marijuana treatment center shall:

849 1.a. Maintain a fully operational security alarm system
850 that secures all entry points and perimeter windows and is

851 equipped with motion detectors; pressure switches; and duress,
852 panic, and hold-up alarms; and

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

855 (I) Cameras are fixed in a place that allows for the clear
856 identification of persons and activities in controlled areas of
857 the premises. Controlled areas include grow rooms, processing
858 rooms, storage rooms, disposal rooms or areas, and point-of-sale
859 rooms.

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

863 (III) Recorded images must clearly and accurately display
864 the time and date.

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

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

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

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

874 5. Require at least two of its employees, or two employees
875 of a security agency with whom it contracts, to be on the

876 premises at all times.

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

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

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

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

885 (g) If a medical marijuana treatment center uses a banking
886 institution, the treatment center must maintain all accounts
887 that are directly or indirectly associated with the business of
888 the medical marijuana treatment center at a single bank.

889 (h) To ensure the safe transport of marijuana and
890 marijuana delivery devices to medical marijuana treatment
891 centers, marijuana testing laboratories, or qualified patients,
892 a medical marijuana treatment center must:

893 1. Maintain a marijuana transportation manifest in any
894 vehicle transporting marijuana. The marijuana transportation
895 manifest must be generated from a medical marijuana treatment
896 center's seed-to-sale tracking system and include the:

897 a. Departure date and approximate time of departure.

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

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

- 901 d. Quantity and form of any marijuana or marijuana
 902 delivery device being transported.
- 903 e. Arrival date and estimated time of arrival.
- 904 f. Delivery vehicle make and model and license plate
 905 number.
- 906 g. Name and signature of the medical marijuana treatment
 907 center employees delivering the product.
- 908 (I) A copy of the marijuana transportation manifest must
 909 be provided to each individual, medical marijuana treatment
 910 center, or marijuana testing laboratory that receives a
 911 delivery. The individual, or a representative of the center or
 912 laboratory, must sign a copy of the marijuana transportation
 913 manifest acknowledging receipt.
- 914 (II) An individual transporting marijuana or a marijuana
 915 delivery device must present a copy of the relevant marijuana
 916 transportation manifest and his or her employee identification
 917 card to a law enforcement officer upon request.
- 918 (III) Medical marijuana treatment centers and marijuana
 919 testing laboratories must retain copies of all marijuana
 920 transportation manifests for at least 5 years.
- 921 2. Ensure only vehicles in good working order are used to
 922 transport marijuana.
- 923 3. Lock marijuana and marijuana delivery devices in a
 924 separate compartment or container within the vehicle.
- 925 4. Require employees to have possession of their employee

926 identification card at all times when transporting marijuana or
927 marijuana delivery devices.

928 5. Require at least two persons to be in a vehicle
929 transporting marijuana or marijuana delivery devices, and
930 require at least one person to remain in the vehicle while the
931 marijuana or marijuana delivery device is being delivered.

932 6. Provide specific safety and security training to
933 employees transporting or delivering marijuana and marijuana
934 delivery devices.

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

938 1. The dispensing location of a medical marijuana
939 treatment center may have a sign that is affixed to the outside
940 or hanging in the window of the premises which identifies the
941 dispensary by the licensee's business name, a department-
942 approved trade name, or a department-approved logo. A medical
943 marijuana treatment center's trade name and logo may not contain
944 wording or images commonly associated with marketing targeted
945 toward children or that promotes recreational use of marijuana.

946 2. A medical marijuana treatment center may engage in
947 Internet advertising and marketing under the following
948 conditions:

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

950 b. An advertisement may not have any content that

951 specifically targets individuals under the age of 18, including
952 cartoon characters or similar images.

953 c. An advertisement may not be an unsolicited pop-up
954 advertisement.

955 d. Opt-in marketing must include an easy and permanent
956 opt-out feature.

957 (j) Each medical marijuana treatment center that dispenses
958 marijuana and marijuana delivery devices shall make available to
959 the public on its website:

960 1. Each marijuana and low-THC product available for
961 purchase, including the form, strain of marijuana from which it
962 was extracted, cannabidiol content, tetrahydrocannabinol
963 content, dose unit, total number of doses available, and the
964 ratio of cannabidiol to tetrahydrocannabinol for each product.

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

967 3. The price for each marijuana delivery device available
968 for purchase.

969 4. If applicable, any discount policies and eligibility
970 criteria for such discounts.

971 (k) Medical marijuana treatment centers are the sole
972 source from which a qualified patient may legally obtain
973 marijuana.

974 (l) The department may adopt rules pursuant to ss.
975 120.536(1) and 120.54 to implement this subsection.

976 (9) BACKGROUND SCREENING.-An individual required to
977 undergo a background screening by this section must pass a level
978 2 background screening as provided under chapter 435, which, in
979 addition to the disqualifying offenses provided in s. 435.04,
980 shall exclude an individual who has an arrest awaiting final
981 disposition for, has been found guilty of, regardless of
982 adjudication, or has entered a plea of nolo contendere or guilty
983 to an offense under chapter 837, chapter 895, or chapter 896 or
984 similar law of another jurisdiction.

985 (a) Such individual must submit a full set of fingerprints
986 to the department or to a vendor, entity, or agency authorized
987 by s. 943.053(13). The department, vendor, entity, or agency
988 shall forward the fingerprints to the Department of Law
989 Enforcement for state processing, and the Department of Law
990 Enforcement shall forward the fingerprints to the Federal Bureau
991 of Investigation for national processing.

992 (b) Fees for state and federal fingerprint processing and
993 retention shall be borne by the individual. The state cost for
994 fingerprint processing shall be as provided in s. 943.053(3)(e)
995 for records provided to persons or entities other than those
996 specified as exceptions therein.

997 (c) Fingerprints submitted to the Department of Law
998 Enforcement pursuant to this subsection shall be retained by the
999 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1000 (h) and, when the Department of Law Enforcement begins

1001 participation in the program, enrolled in the Federal Bureau of
1002 Investigation's national retained print arrest notification
1003 program. Any arrest record identified shall be reported to the
1004 department.

1005 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1006 ADMINISTRATIVE ACTIONS.—

1007 (a) The department shall conduct announced or unannounced
1008 inspections of medical marijuana treatment centers to determine
1009 compliance with this section or rules adopted pursuant to this
1010 section.

1011 (b) The department shall inspect a medical marijuana
1012 treatment center upon receiving a complaint or notice that the
1013 medical marijuana treatment center has dispensed marijuana
1014 containing mold, bacteria, or other contaminant that may cause
1015 or has caused an adverse effect to human health or the
1016 environment.

1017 (c) The department shall conduct at least a biennial
1018 inspection of each medical marijuana treatment center to
1019 evaluate the medical marijuana treatment center's records,
1020 personnel, equipment, processes, security measures, sanitation
1021 practices, and quality assurance practices.

1022 (d) The Department of Agriculture and Consumer Services
1023 and the department shall enter into an interagency agreement to
1024 ensure cooperation and coordination in the performance of their
1025 obligations under this section and their respective regulatory

1026 and authorizing laws. The department, the Department of Highway
 1027 Safety and Motor Vehicles, and the Department of Law Enforcement
 1028 may enter into interagency agreements for the above purposes.

1029 (e) The department shall publish a list of all approved
 1030 medical marijuana treatment centers, medical directors, and
 1031 qualified physicians on its website.

1032 (f) The department may impose reasonable fines not to
 1033 exceed \$10,000 on a medical marijuana treatment center for any
 1034 of the following violations:

1035 1. Violating this section or department rule.

1036 2. Failing to maintain qualifications for approval.

1037 3. Endangering the health, safety, or security of a
 1038 qualified patient.

1039 4. Improperly disclosing personal and confidential
 1040 information of the qualified patient.

1041 5. Attempting to procure medical marijuana treatment
 1042 center approval by bribery, fraudulent misrepresentation, or
 1043 extortion.

1044 6. Being convicted or found guilty of, or entering a plea
 1045 of guilty or nolo contendere to, regardless of adjudication, a
 1046 crime in any jurisdiction which directly relates to the business
 1047 of a medical marijuana treatment center.

1048 7. Making or filing a report or record that the medical
 1049 marijuana treatment center knows to be false.

1050 8. Willfully failing to maintain a record required by this

1051 section or department rule.

1052 9. Willfully impeding or obstructing an employee or agent
1053 of the department in the furtherance of his or her official
1054 duties.

1055 10. Engaging in fraud or deceit, negligence, incompetence,
1056 or misconduct in the business practices of a medical marijuana
1057 treatment center.

1058 11. Making misleading, deceptive, or fraudulent
1059 representations in or related to the business practices of a
1060 medical marijuana treatment center.

1061 12. Having a license or the authority to engage in any
1062 regulated profession, occupation, or business that is related to
1063 the business practices of a medical marijuana treatment center
1064 suspended, revoked, or otherwise acted against by the licensing
1065 authority of any jurisdiction, including its agencies or
1066 subdivisions, for a violation that would constitute a violation
1067 under Florida law.

1068 13. Violating a lawful order of the department or an
1069 agency of the state, or failing to comply with a lawfully issued
1070 subpoena of the department or an agency of the state.

1071 (g) The department may suspend, revoke, or refuse to renew
1072 a medical marijuana treatment center license if the treatment
1073 center commits any of the violations in paragraph (f).

1074 (h) The department may adopt rules pursuant to ss.
1075 120.536(1) and 120.54 to implement this subsection.

1076 (11) PREEMPTION.—Regulation of cultivation, processing,
 1077 and delivery of marijuana by medical marijuana treatment centers
 1078 is preempted to the state except as provided in this subsection.

1079 (a) A medical marijuana treatment center cultivating or
 1080 processing facility may not be located within 500 feet of the
 1081 real property that comprises a public or private elementary
 1082 school, middle school, or secondary school.

1083 (b) A municipality may determine by ordinance the criteria
 1084 for the number and location of, and other permitting
 1085 requirements that do not conflict with state law or department
 1086 rule for, medical marijuana treatment center dispensing
 1087 facilities located within the boundaries of the municipality. A
 1088 county may determine by ordinance the criteria for the number
 1089 and location of, and other permitting requirements that do not
 1090 conflict with state law or department rule for, all such
 1091 dispensing facilities located within the unincorporated areas of
 1092 that county. However, a medical marijuana treatment center
 1093 dispensing facility may not be located within 500 feet of the
 1094 real property that comprises a public or private elementary
 1095 school, middle school, or secondary school unless the county or
 1096 municipality approves the location through a formal proceeding
 1097 open to the public in which the county or municipality
 1098 determines that the location promotes the public health, safety,
 1099 and general welfare of the community. A municipality or county
 1100 may not enact ordinances determining the location of dispensing

1101 facilities which are less restrictive than its ordinances
1102 determining the location of entities licensed to sell alcoholic
1103 beverages that predominantly or wholly serve alcoholic beverages
1104 for on-site consumption, in which the serving of food, if any,
1105 is merely incidental to the consumption of alcoholic beverages.
1106 A dispensing facility location approved by a municipality or
1107 county pursuant to former s. 381.986(8)(b), Florida Statutes
1108 2016, is not subject to the location requirements of this
1109 paragraph.

1110 (c) A municipality or county may not charge a medical
1111 marijuana treatment center a license or permit fee in an amount
1112 greater than the fee charged by such municipality or county to
1113 pharmacies.

1114 (d) This subsection does not prohibit any local
1115 jurisdiction from ensuring medical marijuana treatment center
1116 facilities comply with the Florida Building Code, the Florida
1117 Fire Prevention Code, or any local amendments to the Florida
1118 Building Code or the Florida Fire Prevention Code.

1119 (12) PENALTIES.—

1120 (a) A qualified physician commits a misdemeanor of the
1121 first degree, punishable as provided in s. 775.082 or s.
1122 775.083, if the qualified physician issues a physician
1123 certification for the medical use of marijuana for a patient
1124 without a reasonable belief that the patient is suffering from a
1125 qualifying medical condition.

1126 (b) A person who fraudulently represents that he or she
1127 has a qualifying medical condition to a qualified physician for
1128 the purpose of being issued a physician certification commits a
1129 misdemeanor of the first degree, punishable as provided in s.
1130 775.082 or s. 775.083.

1131 (c) A qualified patient who uses marijuana, not including
1132 low-THC cannabis, or a caregiver who administers marijuana, not
1133 including low-THC cannabis, in plain view of or in a place open
1134 to the general public; in a school bus, a vehicle, an aircraft,
1135 or a boat; or on the grounds of a school except as provided in
1136 s. 1006.062, commits a misdemeanor of the first degree,
1137 punishable as provided in s. 775.082 or s. 775.083.

1138 (d) A qualified patient or caregiver who cultivates
1139 marijuana or who purchases or acquires marijuana from any person
1140 or entity other than a medical marijuana treatment center
1141 violates s. 893.13 and is subject to the penalties provided
1142 therein.

1143 (e) A qualified patient or caregiver in possession of
1144 marijuana or a marijuana delivery device who fails or refuses to
1145 present his or her marijuana use registry identification card
1146 upon the request of a law enforcement officer commits a
1147 misdemeanor of the second degree, punishable as provided in s.
1148 775.082 or s. 775.083, unless it can be determined through the
1149 medical marijuana use registry that the person is authorized to
1150 be in possession of that marijuana or marijuana delivery device.

1151 1. A person charged with a violation of this paragraph may
1152 not be convicted if, prior to or at the time of his or her
1153 court or hearing appearance, the person produces in court or to
1154 the clerk of the court in which the charge is pending a
1155 marijuana use registry identification card issued to him or her
1156 which is valid at the time of his or her arrest. The clerk of
1157 the court is authorized to dismiss such case at any time prior
1158 to the defendant's appearance in court. The clerk of the court
1159 may assess a fee of \$5 for dismissing the case under this
1160 paragraph.

1161 (f) A caregiver who violates any of the applicable
1162 provisions of this section or applicable department rules, for
1163 the first offense, commits a misdemeanor of the second degree,
1164 punishable as provided in s. 775.082 or s. 775.083 and, for a
1165 second or subsequent offense, commits a misdemeanor of the first
1166 degree, punishable as provided in s. 775.082 or s. 775.083.

1167 (g) A qualified physician who issues a physician
1168 certification for marijuana or a marijuana delivery device and
1169 receives compensation from a medical marijuana treatment center
1170 related to the issuance of a physician certification for
1171 marijuana or a marijuana delivery device is subject to
1172 disciplinary action under the applicable practice act and s.
1173 456.072 (1) (n).

1174 (h) A person transporting marijuana or marijuana delivery
1175 devices on behalf of a medical marijuana treatment center or

1176 marijuana testing laboratory who fails or refuses to present a
1177 transportation manifest upon the request of a law enforcement
1178 officer commits a misdemeanor of the second degree, punishable
1179 as provided in s. 775.082 or s. 775.083.

1180 (i) Persons and entities conducting activities authorized
1181 and governed by this section and s. 381.988 are subject to the
1182 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1183 (j) A person or entity that cultivates, processes,
1184 distributes, sells, or dispenses marijuana, as defined in s.
1185 29(b)(4), Art. X of the State Constitution, that is not licensed
1186 as a medical marijuana treatment center violates s. 893.13 and
1187 is subject to the penalties provided therein.

1188 (13) UNLICENSED ACTIVITY.—

1189 (a) If the department has probable cause to believe that a
1190 person or entity that is not registered or licensed with the
1191 department has violated this section, s. 381.988, or any rule
1192 adopted pursuant to this section, the department may issue and
1193 deliver to such person or entity a notice to cease and desist
1194 from such violation. The department also may issue and deliver a
1195 notice to cease and desist to any person or entity who aids and
1196 abets such unlicensed activity. The issuance of a notice to
1197 cease and desist does not constitute agency action for which a
1198 hearing under s. 120.569 or s. 120.57 may be sought. For the
1199 purpose of enforcing a cease and desist order, the department
1200 may file a proceeding in the name of the state seeking issuance

1201 of an injunction or a writ of mandamus against any person or
1202 entity who violates any provisions of such order.

1203 (b) In addition to the remedies under paragraph (a), the
1204 department may impose by citation an administrative penalty not
1205 to exceed \$5,000 per incident. The citation shall be issued to
1206 the subject and shall contain the subject's name and any other
1207 information the department determines to be necessary to
1208 identify the subject, a brief factual statement, the sections of
1209 the law allegedly violated, and the penalty imposed. If the
1210 subject does not dispute the matter in the citation with the
1211 department within 30 days after the citation is served, the
1212 citation shall become a final order of the department. The
1213 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1214 to implement this section. Each day that the unlicensed activity
1215 continues after issuance of a notice to cease and desist
1216 constitutes a separate violation. The department shall be
1217 entitled to recover the costs of investigation and prosecution
1218 in addition to the fine levied pursuant to the citation. Service
1219 of a citation may be made by personal service or by mail to the
1220 subject at the subject's last known address or place of
1221 practice. If the department is required to seek enforcement of
1222 the cease and desist or agency order, it shall be entitled to
1223 collect attorney fees and costs.

1224 (c) In addition to or in lieu of any other administrative
1225 remedy, the department may seek the imposition of a civil

1226 penalty through the circuit court for any violation for which
1227 the department may issue a notice to cease and desist. The civil
1228 penalty shall be no less than \$5,000 and no more than \$10,000
1229 for each offense. The court may also award to the prevailing
1230 party court costs and reasonable attorney fees and, in the event
1231 the department prevails, may also award reasonable costs of
1232 investigation and prosecution.

1233 (d) The department must notify local law enforcement of
1234 such unlicensed activity for a determination of any criminal
1235 violation of chapter 893.

1236 (14) EXCEPTIONS TO OTHER LAWS.—

1237 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1238 any other provision of law, but subject to the requirements of
1239 this section, a qualified patient and the qualified patient's
1240 caregiver may purchase from a medical marijuana treatment center
1241 for the patient's medical use a marijuana delivery device and up
1242 to the amount of marijuana authorized in the physician
1243 certification, but may not possess more than a 90-day supply of
1244 marijuana at any given time and all marijuana purchased must
1245 remain in its original packaging.

1246 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1247 any other provision of law, but subject to the requirements of
1248 this section, an approved medical marijuana treatment center and
1249 its owners, managers, and employees may manufacture, possess,
1250 sell, deliver, distribute, dispense, and lawfully dispose of

1251 marijuana or a marijuana delivery device as provided in this
1252 section, s. 381.988, and by department rule. For purposes of
1253 this subsection, the terms "manufacture," "possession,"
1254 "deliver," "distribute," and "dispense" have the same meanings
1255 as provided in s. 893.02.

1256 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1257 any other provision of law, but subject to the requirements of
1258 this section, a certified marijuana testing laboratory,
1259 including an employee of a certified marijuana testing
1260 laboratory acting within the scope of his or her employment, may
1261 acquire, possess, test, transport, and lawfully dispose of
1262 marijuana as provided in this section, s. 381.988, and by
1263 department rule.

1264 (d) A licensed medical marijuana treatment center and its
1265 owners, managers, and employees are not subject to licensure or
1266 regulation under chapter 465 or chapter 499 for manufacturing,
1267 possessing, selling, delivering, distributing, dispensing, or
1268 lawfully disposing of marijuana or a marijuana delivery device,
1269 as provided in this section, s. 381.988, and by department rule.

1270 (e) This subsection does not exempt a person from
1271 prosecution for a criminal offense related to impairment or
1272 intoxication resulting from the medical use of marijuana or
1273 relieve a person from any requirement under law to submit to a
1274 breath, blood, urine, or other test to detect the presence of a
1275 controlled substance.

1276 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1277 any other provision of law, but subject to the requirements of
 1278 this section and pursuant to policies and procedures established
 1279 pursuant to s. 1006.62(8), school personnel may possess
 1280 marijuana that is obtained for medical use pursuant to this
 1281 section by a student who is a qualified patient.

1282 (15) APPLICABILITY.—This section does not limit the
 1283 ability of an employer to establish, continue, or enforce a
 1284 drug-free workplace program or policy.

1285 Section 3. Paragraph (uu) is added to subsection (1) of
 1286 section 458.331, Florida Statutes, to read:

1287 458.331 Grounds for disciplinary action; action by the
 1288 board and department.—

1289 (1) The following acts constitute grounds for denial of a
 1290 license or disciplinary action, as specified in s. 456.072(2):

1291 (uu) Issuing a physician certification, as defined in s.
 1292 381.986, in a manner out of compliance with the requirements of
 1293 that section and rules adopted thereunder.

1294 Section 4. Paragraph (ww) is added to subsection (1) of
 1295 section 459.015, Florida Statutes, to read:

1296 459.015 Grounds for disciplinary action; action by the
 1297 board and department.—

1298 (1) The following acts constitute grounds for denial of a
 1299 license or disciplinary action, as specified in s. 456.072(2):

1300 (ww) Issuing a physician certification, as defined in s.

1301 381.986, in a manner not in compliance with the requirements of
 1302 that section and rules adopted thereunder.

1303 Section 5. Section 381.988, Florida Statutes, is created
 1304 to read:

1305 381.988 Medical marijuana testing laboratories; marijuana
 1306 tests conducted by a certified laboratory.-

1307 (1) A person or entity seeking to be a certified marijuana
 1308 testing laboratory must:

1309 (a) Not be owned or controlled by a medical marijuana
 1310 treatment center.

1311 (b) Submit a completed application accompanied by an
 1312 application fee, as established by department rule.

1313 (c) Submit proof of an accreditation or a certification
 1314 approved by the department issued by an accreditation or a
 1315 certification organization approved by the department. The
 1316 department shall adopt by rule a list of approved laboratory
 1317 accreditations or certifications and accreditation or
 1318 certification organizations.

1319 (d) Require all owners and managers to submit to and pass
 1320 a level 2 background screening pursuant to s. 435.04 and shall
 1321 deny certification if the person or entity has been found guilty
 1322 of, or has entered a plea of guilty or nolo contendere to,
 1323 regardless of adjudication, any offense listed in chapter 837,
 1324 chapter 895, or chapter 896 or similar law of another
 1325 jurisdiction.

1326 1. Such owners and managers must submit a full set of
1327 fingerprints to the department or to a vendor, entity, or agency
1328 authorized by s. 943.053(13). The department, vendor, entity, or
1329 agency shall forward the fingerprints to the Department of Law
1330 Enforcement for state processing, and the Department of Law
1331 Enforcement shall forward the fingerprints to the Federal Bureau
1332 of Investigation for national processing.

1333 2. Fees for state and federal fingerprint processing and
1334 retention shall be borne by such owners or managers. The state
1335 cost for fingerprint processing shall be as provided in s.
1336 943.053(3)(e) for records provided to persons or entities other
1337 than those specified as exceptions therein.

1338 3. Fingerprints submitted to the Department of Law
1339 Enforcement pursuant to this paragraph shall be retained by the
1340 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1341 (h) and, when the Department of Law Enforcement begins
1342 participation in the program, enrolled in the Federal Bureau of
1343 Investigation's national retained print arrest notification
1344 program. Any arrest record identified shall be reported to the
1345 department.

1346 (e) Demonstrate to the department the capability of
1347 meeting the standards for certification required by this
1348 subsection, and the testing requirements of s. 381.986 and this
1349 section and rules adopted thereunder.

1350 (2) The department shall adopt rules pursuant to ss.

1351 120.536(1) and 120.54 establishing a procedure for initial
1352 certification and biennial renewal, including initial
1353 application and biennial renewal fees sufficient to cover the
1354 costs of administering this certification program. The
1355 department shall renew the certification biennially if the
1356 laboratory meets the requirements of this section and pays the
1357 biennial renewal fee.

1358 (3) The department shall adopt rules pursuant to ss.
1359 120.536(1) and 120.54 establishing the standards for
1360 certification of marijuana testing laboratories under this
1361 section. The Department of Agriculture and Consumer Services and
1362 the Department of Environmental Protection shall assist the
1363 department in developing the rule, which must include, but is
1364 not limited to:

1365 (a) Security standards.

1366 (b) Minimum standards for personnel.

1367 (c) Sample collection method and process standards.

1368 (d) Proficiency testing for contaminants unsafe for human
1369 consumption as determined by department rule.

1370 (e) Reporting content, format, and frequency.

1371 (f) Audits and onsite inspections.

1372 (g) Quality assurance.

1373 (h) Equipment and methodology.

1374 (i) Chain of custody.

1375 (j) Any other standard the department deems necessary to

1376 | ensure the health and safety of the public.

1377 | (4) A marijuana testing laboratory may acquire marijuana
1378 | only from a medical marijuana treatment center. A marijuana
1379 | testing laboratory is prohibited from selling, distributing, or
1380 | transferring marijuana received from a marijuana treatment
1381 | center, except that a marijuana testing laboratory may transfer
1382 | a sample to another marijuana testing laboratory in this state.

1383 | (5) A marijuana testing laboratory must properly dispose
1384 | of all samples it receives, unless transferred to another
1385 | marijuana testing laboratory, after all necessary tests have
1386 | been conducted and any required period of storage has elapsed,
1387 | as established by department rule.

1388 | (6) A marijuana testing laboratory shall use the computer
1389 | software tracking system selected by the department under s.
1390 | 381.986.

1391 | (7) The following acts constitute grounds for which
1392 | disciplinary action specified in subsection (8) may be taken
1393 | against a certified marijuana testing laboratory:

1394 | (a) Permitting unauthorized persons to perform technical
1395 | procedures or issue reports.

1396 | (b) Demonstrating incompetence or making consistent errors
1397 | in the performance of testing or erroneous reporting.

1398 | (c) Performing a test and rendering a report thereon to a
1399 | person or entity not authorized by law to receive such services.

1400 | (d) Failing to file any report required under this section

1401 or s. 381.986 or the rules adopted thereunder.

1402 (e) Reporting a test result if the test was not performed.

1403 (f) Failing to correct deficiencies within the time

1404 required by the department.

1405 (g) Violating or aiding and abetting in the violation of

1406 any provision of s. 381.986 or this section or any rules adopted

1407 thereunder.

1408 (8) The department may refuse to issue or renew, or may

1409 suspend or revoke, the certification of a marijuana testing

1410 laboratory that is found to be in violation of this section or

1411 any rules adopted hereunder. The department may impose fines for

1412 violations of this section or rules adopted thereunder, based on

1413 a schedule adopted in rule. In determining the administrative

1414 action to be imposed for a violation, the department must

1415 consider the following factors:

1416 (a) The severity of the violation, including the

1417 probability of death or serious harm to the health or safety of

1418 any person that may result or has resulted; the severity or

1419 potential harm; and the extent to which the provisions of s.

1420 381.986 or this section were violated.

1421 (b) The actions taken by the marijuana testing laboratory

1422 to correct the violation or to remedy the complaint.

1423 (c) Any previous violation by the marijuana testing

1424 laboratory.

1425 (d) The financial benefit to the marijuana testing

1426 | laboratory of committing or continuing the violation.

1427 | (9) The department may adopt rules pursuant to ss.

1428 | 120.536(1) and 120.54 to implement this section.

1429 | Section 6. Section 381.989, Florida Statutes, is created

1430 | to read:

1431 | 381.989 Public education campaigns.—

1432 | (1) DEFINITIONS.—As used in this section, the term:

1433 | (a) "Cannabis" has the same meaning as in s. 893.02.

1434 | (b) "Department" means the Department of Health.

1435 | (c) "Marijuana" has the same meaning as in s. 381.986.

1436 | (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT

1437 | USE PREVENTION CAMPAIGN.—

1438 | (a) The department shall implement a statewide cannabis

1439 | and marijuana education and illicit use prevention campaign to

1440 | publicize accurate information regarding:

1441 | 1. The short-term and long-term health effects of cannabis

1442 | and marijuana use, particularly on minors and young adults.

1443 | 2. The legal requirements for licit use and possession of

1444 | marijuana in this state.

1445 | 3. Safe use of marijuana, including preventing access by

1446 | persons other than qualified patients as defined in s. 381.986,

1447 | particularly children.

1448 | 4. Other cannabis-related and marijuana-related education

1449 | determined by the department to be necessary to the public

1450 | health and safety.

1451 (b) The department may use television messaging, radio
1452 broadcasts, print media, digital strategies, social media, and
1453 any other form of messaging deemed necessary and appropriate by
1454 the department to implement the campaign. The department may
1455 work with school districts, community organizations, and
1456 businesses and business organizations and other entities to
1457 provide training and programming.

1458 (c) The department may contract with one or more vendors
1459 to implement the campaign.

1460 (d) The department shall contract with an independent
1461 entity to conduct annual evaluations of the campaign. The
1462 evaluations shall assess the reach and impact of the campaign,
1463 success in educating the citizens of the state regarding the
1464 legal parameters for marijuana use, success in preventing
1465 illicit access by adults and youth, and success in preventing
1466 negative health impacts from the legalization of marijuana. The
1467 first year of the program, the evaluator shall conduct surveys
1468 to establish baseline data on youth and adult cannabis use, the
1469 attitudes of youth and the general public toward cannabis and
1470 marijuana, and any other data deemed necessary for long-term
1471 analysis. By January 31 of each year, the department shall
1472 submit to the Governor, the President of the Senate, and the
1473 Speaker of the House of Representatives the annual evaluation of
1474 the campaign.

1475 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1476 (a) The Department of Highway Safety and Motor Vehicles
1477 shall implement a statewide impaired driving education campaign
1478 to raise awareness and prevent marijuana-related and cannabis-
1479 related impaired driving and may contract with one or more
1480 vendors to implement the campaign. The Department of Highway
1481 Safety and Motor Vehicles may use television messaging, radio
1482 broadcasts, print media, digital strategies, social media, and
1483 any other form of messaging deemed necessary and appropriate by
1484 the department to implement the campaign.

1485 (b) At a minimum, the Department of Highway Safety and
1486 Motor Vehicles or a contracted vendor shall establish baseline
1487 data on the number of marijuana-related citations for driving
1488 under the influence, marijuana-related traffic arrests,
1489 marijuana-related traffic accidents, and marijuana-related
1490 traffic fatalities, and shall track these measures annually
1491 thereafter. The Department of Highway Safety and Motor Vehicles
1492 or a contracted vendor shall annually evaluate and compile a
1493 report on the efficacy of the campaign based on those measures
1494 and other measures established by the Department of Highway
1495 Safety and Motor Vehicles. By January 31 of each year, the
1496 Department of Highway Safety and Motor Vehicles shall submit the
1497 report on the evaluation of the campaign to the Governor, the
1498 President of the Senate, and the Speaker of the House of
1499 Representatives.

1500 Section 7. Subsection (1) of section 385.211, Florida

1501 Statutes, is amended to read:

1502 385.211 Refractory and intractable epilepsy treatment and
 1503 research at recognized medical centers.—

1504 (1) As used in this section, the term "low-THC cannabis"
 1505 means "low-THC cannabis" as defined in s. 381.986 that is
 1506 dispensed only from a dispensing organization as defined in
 1507 former s. 381.986, Florida Statutes 2016, or a medical marijuana
 1508 treatment center as defined in s. 381.986.

1509 Section 8. Paragraphs (b) through (e) of subsection (2) of
 1510 section 499.0295, Florida Statutes, are redesignated as
 1511 paragraphs (a) through (d), respectively, and present paragraphs
 1512 (a) and (c) of that subsection, and subsection (3) of that
 1513 section are amended to read:

1514 499.0295 Experimental treatments for terminal conditions.—

1515 (2) As used in this section, the term:

1516 ~~(a) "Dispensing organization" means an organization~~
 1517 ~~approved by the Department of Health under s. 381.986(5) to~~
 1518 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
 1519 ~~medical cannabis, and cannabis delivery devices.~~

1520 (b)(e) "Investigational drug, biological product, or
 1521 device" means:

1522 ~~1.~~ a drug, biological product, or device that has
 1523 successfully completed phase 1 of a clinical trial but has not
 1524 been approved for general use by the United States Food and Drug
 1525 Administration and remains under investigation in a clinical

1526 | trial approved by the United States Food and Drug
 1527 | Administration; ~~or~~

1528 | ~~2. Medical cannabis that is manufactured and sold by a~~
 1529 | ~~dispensing organization.~~

1530 | (3) Upon the request of an eligible patient, a
 1531 | manufacturer may, ~~or upon a physician's order pursuant to s.~~
 1532 | ~~381.986, a dispensing organization may:~~

1533 | (a) Make its investigational drug, biological product, or
 1534 | device available under this section.

1535 | (b) Provide an investigational drug, biological product,
 1536 | or device, ~~or cannabis delivery device as defined in s. 381.986~~
 1537 | to an eligible patient without receiving compensation.

1538 | (c) Require an eligible patient to pay the costs of, or
 1539 | the costs associated with, the manufacture of the
 1540 | investigational drug, biological product, or device, ~~or cannabis~~
 1541 | ~~delivery device as defined in s. 381.986.~~

1542 | Section 9. Subsection (3) of section 893.02, Florida
 1543 | Statutes, is amended to read:

1544 | 893.02 Definitions.—The following words and phrases as
 1545 | used in this chapter shall have the following meanings, unless
 1546 | the context otherwise requires:

1547 | (3) "Cannabis" means all parts of any plant of the genus
 1548 | Cannabis, whether growing or not; the seeds thereof; the resin
 1549 | extracted from any part of the plant; and every compound,
 1550 | manufacture, salt, derivative, mixture, or preparation of the

1551 plant or its seeds or resin. The term does not include
1552 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1553 manufactured, possessed, sold, purchased, delivered,
1554 distributed, or dispensed, in conformance with s. 381.986.

1555 Section 10. Section 1004.4351, Florida Statutes, is created
1556 to read:

1557 1004.4351 Medical marijuana research and education.—

1558 (1) SHORT TITLE.—This section may be cited as the "Medical
1559 Marijuana Research and Education Act."

1560 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1561 (a) The present state of knowledge concerning the use of
1562 marijuana to alleviate pain and treat illnesses is limited
1563 because permission to perform clinical studies on marijuana is
1564 difficult to obtain, with access to research-grade marijuana so
1565 restricted that few or no unbiased studies have been performed.

1566 (b) Under the State Constitution, marijuana is available
1567 for the treatment of certain debilitating medical conditions.

1568 (c) Additional clinical studies are needed to ensure that
1569 the residents of this state obtain the correct dosage,
1570 formulation, route, modality, frequency, quantity, and quality
1571 of marijuana for specific illnesses.

1572 (d) An effective medical marijuana research and education
1573 program would mobilize the scientific, educational, and medical
1574 resources that presently exist in this state to determine the
1575 appropriate and best use of marijuana to treat illness.

1576 (3) DEFINITIONS.—As used in this section, the term:
 1577 (a) "Board" means the Medical Marijuana Research and
 1578 Education Board.
 1579 (b) "Coalition" means the Coalition for Medical Marijuana
 1580 Research and Education.
 1581 (c) "Marijuana" has the same meaning as provided in s. 29,
 1582 Art. X of the State Constitution.
 1583 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
 1584 EDUCATION.—
 1585 (a) There is established within the H. Lee Moffitt Cancer
 1586 Center and Research Institute, Inc., the Coalition for Medical
 1587 Marijuana Research and Education. The purpose of the coalition
 1588 is to conduct rigorous scientific research, provide education,
 1589 disseminate research, and guide policy for the adoption of a
 1590 statewide policy on ordering and dosing practices for the
 1591 medical use of marijuana. The coalition shall be physically
 1592 located at the H. Lee Moffitt Cancer Center and Research
 1593 Institute, Inc.
 1594 (b) The Medical Marijuana Research and Education Board is
 1595 established to direct the operations of the coalition. The board
 1596 shall be composed of seven members appointed by the chief
 1597 executive officer of the H. Lee Moffitt Cancer Center and
 1598 Research Institute, Inc. Board members must have experience in a
 1599 variety of scientific and medical fields, including, but not
 1600 limited to, oncology, neurology, psychology, pediatrics,

1601 nutrition, and addiction. Members shall be appointed to 4-year
1602 terms and may be reappointed to serve additional terms. The
1603 chair shall be elected by the board from among its members to
1604 serve a 2-year term. The board shall meet no less than
1605 semiannually at the call of the chair or, in his or her absence
1606 or incapacity, the vice chair. Four members constitute a quorum.
1607 A majority vote of the members present is required for all
1608 actions of the board. The board may prescribe, amend, and repeal
1609 a charter governing the manner in which it conducts its
1610 business. A board member shall serve without compensation but is
1611 entitled to be reimbursed for travel expenses by the coalition
1612 or the organization he or she represents in accordance with s.
1613 112.061.

1614 (c) The coalition shall be administered by a coalition
1615 director, who shall be appointed by and serve at the pleasure of
1616 the board. The coalition director shall, subject to the approval
1617 of the board:

1618 1. Propose a budget for the coalition.

1619 2. Foster the collaboration of scientists, researchers,
1620 and other appropriate personnel in accordance with the
1621 coalition's charter.

1622 3. Identify and prioritize the research to be conducted by
1623 the coalition.

1624 4. Prepare the Medical Marijuana Research and Education
1625 Plan for submission to the board.

1626 5. Apply for grants to obtain funding for research
1627 conducted by the coalition.

1628 6. Perform other duties as determined by the board.

1629 (d) The board shall advise the Board of Governors, the
1630 State Surgeon General, the Governor, and the Legislature with
1631 respect to medical marijuana research and education in this
1632 state. The board shall explore methods of implementing and
1633 enforcing medical marijuana laws in relation to cancer control,
1634 research, treatment, and education.

1635 (e) The board shall annually adopt a plan for medical
1636 marijuana research, known as the "Medical Marijuana Research and
1637 Education Plan," which must be in accordance with state law and
1638 coordinate with existing programs in this state. The plan must
1639 include recommendations for the coordination and integration of
1640 medical, nursing, paramedical, community, and other resources
1641 connected with the treatment of debilitating medical conditions;
1642 research related to the treatment of such medical conditions;
1643 and education.

1644 (f) By February 15 of each year, the board shall issue a
1645 report to the Governor, the President of the Senate, and the
1646 Speaker of the House of Representatives on research projects,
1647 community outreach initiatives, and future plans for the
1648 coalition.

1649 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1650 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center

1651 and Research Institute, Inc., shall allocate staff and provide
1652 information and assistance, as the coalition's budget permits,
1653 to assist the board in fulfilling its responsibilities.

1654 Section 11. Subsection (1) of section 1004.441, Florida
1655 Statutes, is amended to read:

1656 1004.441 Refractory and intractable epilepsy treatment and
1657 research.—

1658 (1) As used in this section, the term "low-THC cannabis"
1659 means "low-THC cannabis" as defined in s. 381.986 that is
1660 dispensed only from a dispensing organization as defined in
1661 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1662 treatment center as defined in s. 381.986.

1663 Section 12. Subsection (8) is added to section 1006.062,
1664 Florida Statutes, to read:

1665 1006.062 Administration of medication and provision of
1666 medical services by district school board personnel.—

1667 (8) Each district school board shall adopt a policy and a
1668 procedure for allowing a student who is a qualified patient, as
1669 defined in s. 381.986, to use marijuana obtained pursuant to
1670 that section. Such policy and procedure shall ensure access by
1671 the qualified patient; identify how the marijuana will be
1672 received, accounted for, and stored; and establish processes to
1673 prevent access by other students and school personnel
1674 unnecessary to the implementation of the policy.

1675 Section 13. Department of Health; authority to adopt

1676 rules; cause of action.—

1677 (1) EMERGENCY RULEMAKING.—

1678 (a) The Department of Health and the applicable boards
1679 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1680 Statutes, and this section necessary to implement ss. 381.986
1681 and 381.988, Florida Statutes. If an emergency rule adopted
1682 under this section is held to be unconstitutional or an invalid
1683 exercise of delegated legislative authority, and becomes void,
1684 the department or the applicable boards may adopt an emergency
1685 rule pursuant to this section to replace the rule that has
1686 become void. If the emergency rule adopted to replace the void
1687 emergency rule is also held to be unconstitutional or an invalid
1688 exercise of delegated legislative authority and becomes void,
1689 the department and the applicable boards must follow the
1690 nonemergency rulemaking procedures of the Administrative
1691 Procedures Act to replace the rule that has become void.

1692 (b) For emergency rules adopted under this section, the
1693 department and the applicable boards need not make the findings
1694 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1695 adopted under this section are exempt from ss. 120.54(3)(b) and
1696 120.541, Florida Statutes. The department and the applicable
1697 boards shall meet the procedural requirements in s. 120.54(a),
1698 Florida Statutes, if the department or the applicable boards
1699 have, prior to the effective date of this act, held any public
1700 workshops or hearings on the subject matter of the emergency

1701 rules adopted under this subsection. Challenges to emergency
1702 rules adopted under this subsection shall be subject to the time
1703 schedules provided in s. 120.56(5), Florida Statutes.

1704 (c) Emergency rules adopted under this section are exempt
1705 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1706 effect until replaced by rules adopted under the nonemergency
1707 rulemaking procedures of the Administrative Procedures Act. By
1708 January 1, 2018, the department and the applicable boards shall
1709 initiate nonemergency rulemaking pursuant to the Administrative
1710 Procedures Act to replace all emergency rules adopted under this
1711 section by publishing a notice of rule development in the
1712 Florida Administrative Register. Except as provided in paragraph
1713 (a), after January 1, 2018, the department and applicable boards
1714 may not adopt rules pursuant to the emergency rulemaking
1715 procedures provided in this section.

1716 (2) CAUSE OF ACTION.—

1717 (a) As used in s. 29(d)(3), Art. X of the State
1718 Constitution, the term:

1719 1. "Issue regulations" means the filing by the department
1720 of a rule or emergency rule for adoption with the Department of
1721 State.

1722 2. "Judicial relief" means an action for declaratory
1723 judgment pursuant to chapter 86, Florida Statutes.

1724 (b) The venue for actions brought against the department
1725 pursuant to s. 29(d)(3), Art. X of the State Constitution shall

1726 | be in the circuit court in and for Leon County.

1727 | (c) If the department is not issuing patient and caregiver
 1728 | identification cards or licensing medical marijuana treatment
 1729 | centers by October 3, 2017, the following shall be a defense to
 1730 | a cause of action brought under s. 29(d) (3), Art. X of the State
 1731 | Constitution:

1732 | 1. The department is unable to issue patient and caregiver
 1733 | identification cards or license medical marijuana treatment
 1734 | centers due to litigation challenging a rule as an invalid
 1735 | exercise of delegated legislative authority or unconstitutional.

1736 | 2. The department is unable to issue patient or caregiver
 1737 | identification cards or license medical marijuana treatment
 1738 | centers due to a rule being held as an invalid exercise of
 1739 | delegated legislative authority or unconstitutional.

1740 | Section 14. Department of Law Enforcement; training
 1741 | related to medical use of marijuana.-The Department of Law
 1742 | Enforcement shall develop a 4-hour online initial training
 1743 | course and a 2-hour online continuing education course which
 1744 | shall be made available for use by all law enforcement agencies
 1745 | in this state. Such training shall cover the legal parameters of
 1746 | marijuana-related activities governed by ss. 381.986 and
 1747 | 381.988, Florida Statutes, relating to criminal laws governing
 1748 | marijuana.

1749 | Section 15. Section 385.212, Florida Statutes, is amended
 1750 | to read:

1751 385.212 Powers and duties of the Department of Health;
 1752 Office of Medical Marijuana ~~Compassionate~~ Use.—

1753 (1) The Department of Health shall establish an Office of
 1754 Medical Marijuana ~~Compassionate~~ Use under the direction of the
 1755 Deputy State Health Officer.

1756 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
 1757 enhance access to investigational new drugs for Florida patients
 1758 through approved clinical treatment plans or studies. The Office
 1759 of Medical Marijuana ~~Compassionate~~ Use may:

1760 (a) Create a network of state universities and medical
 1761 centers recognized pursuant to s. 381.925.

1762 (b) Make any necessary application to the United States
 1763 Food and Drug Administration or a pharmaceutical manufacturer to
 1764 facilitate enhanced access to medical ~~compassionate~~ use of
 1765 marijuana for Florida patients.

1766 (c) Enter into any agreements necessary to facilitate
 1767 enhanced access to medical ~~compassionate~~ use of marijuana for
 1768 Florida patients.

1769 (3) The department may adopt rules necessary to implement
 1770 this section.

1771 (4) The Office of Medical Marijuana Use shall administer
 1772 and enforce the provisions of s. 381.986.

1773 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
 1774 time equivalent positions, with associated salary rate of
 1775 2,198,860, are authorized and the sums of \$3.5 million in

1776 nonrecurring funds from the General Revenue Fund and \$4,055,292
1777 in recurring funds and \$1,238,148 in nonrecurring funds from the
1778 Grants and Donations Trust Fund are appropriated to the
1779 Department of Health for the purpose of implementing the
1780 requirements of this act. Of the funds appropriated, \$3,158,572
1781 in recurring funds and \$1,238,148 in nonrecurring funds from the
1782 Grants and Donations Trust Fund and 27 full-time equivalent
1783 positions shall be placed in reserve. The Department of Health
1784 is authorized to submit budget amendments requesting the release
1785 of funds being held in reserve pursuant to chapter 216, Florida
1786 Statutes contingent upon need and demonstration of fee
1787 collections to support the budget authority.

1788 (2) For the 2017-2018 fiscal year, the sum of \$10 million
1789 in nonrecurring funds from the General Revenue Fund is
1790 appropriated to the Department of Health to implement the
1791 statewide cannabis and marijuana education and illicit use
1792 prevention campaign established under s. 381.989, Florida
1793 Statutes.

1794 (3) For the 2017-2018 fiscal year, the sum of \$5 million
1795 in nonrecurring funds from the Highway Safety Operating Trust
1796 Fund are appropriated to the Department of Highway Safety and
1797 Motor Vehicles to implement the statewide impaired driving
1798 education campaign established under s. 381.989, Florida
1799 Statutes.

1800 (4) For the 2017-2018 fiscal year, the sum of \$1 million

1801 in nonrecurring funds from the General Revenue Fund is
1802 appropriated to the University Of Florida College Of Pharmacy to
1803 implement the requirements of s. 381.986(4)(a)8., Florida
1804 Statutes.

1805 (5) For the 2017-2018 fiscal year, the sum of \$100,000 in
1806 recurring funds from the Highway Safety Operating Trust Fund is
1807 appropriated to the Department of Highway Safety and Motor
1808 Vehicles for the purpose of training additional law enforcement
1809 officers as drug recognition experts.

1810 Section 17. This act shall take effect upon becoming a
1811 law.