



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 or medical director;
12 providing criteria for certification of a patient for
13 medical marijuana treatment by a qualified physician;
14 providing for certain patients registered with the
15 medical marijuana use registry to be deemed qualified;
16 requiring the Department of Health to monitor
17 physician registration and certifications in the
18 medical marijuana use registry; requiring the Board of
19 Medicine and the Board of Osteopathic Medicine to
20 create a physician certification pattern review panel;
21 providing rulemaking authority to the department and
22 the boards; requiring the department to establish a
23 medical marijuana use registry; specifying entities
24 and 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; providing criteria for nonresidents to
28 prove residency for registration as a qualified
29 patient; defining the term "seasonal resident";
30 authorizing the department to revoke the registration
31 of a patient or caregiver under certain circumstances;
32 providing requirements for the issuance of medical
33 marijuana use registry identification cards; requiring
34 the department to issue licenses to a certain number
35 of medical marijuana treatment centers; providing for
36 license renewal and revocation; providing for
37 continuance of certain entities authorized to dispense
38 low-THC cannabis, medical cannabis, and cannabis
39 delivery devices; requiring a medical marijuana
40 treatment center to comply with certain standards in
41 the production and distribution of edibles; requiring
42 background screening of owners, officers, board
43 members, and managers of medical marijuana treatment
44 centers; requiring the department to establish,
45 maintain, and control a computer seed-to-sale
46 marijuana tracking system; requiring the department to
47 establish protocols and procedures for operation,
48 conduct periodic inspections, and restrict location of
49 medical marijuana treatment centers; providing a limit
50 on county and municipal permit fees; authorizing



51 | counties and municipalities to determine the location
52 | of medical marijuana treatment centers by ordinance
53 | under certain conditions; providing penalties;
54 | authorizing the department to impose sanctions on
55 | persons or entities engaging in unlicensed activities;
56 | providing that a person is not exempt from prosecution
57 | for certain offenses and is not relieved from certain
58 | requirements of law under certain circumstances;
59 | providing for certain school personnel to possess
60 | marijuana pursuant to certain established policies and
61 | procedures; providing that certain research
62 | institutions may possess, test, transport, and dispose
63 | of marijuana subject to certain conditions; providing
64 | applicability with respect to employer-instituted
65 | drug-free workplace programs; amending ss. 458.331 and
66 | 459.015, F.S.; providing additional acts by a
67 | physician or an osteopathic physician which constitute
68 | grounds for denial of a license or disciplinary action
69 | to which penalties apply; creating s. 381.988, F.S.;
70 | providing for the establishment of medical marijuana
71 | testing laboratories; requiring the Department of
72 | Health, in collaboration with the Department of
73 | Agriculture and Consumer Services and the Department
74 | of Environmental Protection, to develop certification
75 | standards and rules; creating s. 381.989, F.S.;



76 directing the department and the Department of Highway
77 Safety and Motor Vehicles to institute public
78 education campaigns relating to cannabis and marijuana
79 and impaired driving; requiring evaluations of public
80 education campaigns; authorizing the department and
81 the Department of Highway Safety and Motor Vehicles to
82 contract with vendors to implement and evaluate the
83 campaigns; amending ss. 385.211, 499.0295, and 893.02,
84 F.S.; conforming provisions to changes made by the
85 act; creating s. 1004.4351, F.S.; providing a short
86 title; providing legislative findings; defining terms;
87 establishing the Coalition for Medical Marijuana
88 Research and Education within the H. Lee Moffitt
89 Cancer Center and Research Institute, Inc.; providing
90 a purpose for the coalition; establishing the Medical
91 Marijuana Research and Education Board to direct the
92 operations of the coalition; providing for the
93 appointment of board members; providing for terms of
94 office, reimbursement for certain expenses, and
95 meetings of the board; authorizing the board to
96 appoint a coalition director; prescribing the duties
97 of the coalition director; requiring the board to
98 advise specified entities and officials regarding
99 medical marijuana research and education in this
100 state; requiring the board to annually adopt a Medical



101 Marijuana Research and Education Plan; providing
102 requirements for the plan; requiring the board to
103 issue an annual report to the Governor and the
104 Legislature by a specified date; requiring the
105 Department of Health to submit reports to the board
106 containing specified data; specifying responsibilities
107 of the H. Lee Moffitt Cancer Center and Research
108 Institute, Inc.; amending s. 1004.441, F.S.; revising
109 a definition; amending s. 1006.062, F.S.; requiring
110 district school boards to adopt policies and
111 procedures for access to medical marijuana by
112 qualified patients who are students; providing
113 emergency rulemaking authority; providing for venue
114 for a cause of action against the department;
115 providing for defense against certain causes of
116 action; directing the Department of Law Enforcement to
117 develop training for law enforcement officers and
118 agencies; amending s. 385.212, F.S.; renaming the
119 department's Office of Compassionate Use; providing
120 appropriations; providing an effective date.

121

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

123

124 Section 1. Paragraph (l) of subsection (2) of section
125 212.08, Florida Statutes, is redesignated as paragraph (m), and



126 a new paragraph (1) is added to that subsection, to read:

127 212.08 Sales, rental, use, consumption, distribution, and
128 storage tax; specified exemptions.—The sale at retail, the
129 rental, the use, the consumption, the distribution, and the
130 storage to be used or consumed in this state of the following
131 are hereby specifically exempt from the tax imposed by this
132 chapter.

133 (2) EXEMPTIONS; MEDICAL.—

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

137 Section 2. Section 381.986, Florida Statutes, is amended
138 to read:

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

141 381.986 Medical use of marijuana.—

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

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

147 (b) "Chronic nonmalignant pain" means pain that is caused
148 by a debilitating medical condition or that originates from a
149 debilitating medical condition and persists beyond the usual
150 course of that debilitating medical condition.



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

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

157 (e) "Low-THC cannabis" means a plant of the genus
158 Cannabis, the dried flowers of which contain 0.8 percent or less
159 of tetrahydrocannabinol and more than 10 percent of cannabidiol
160 weight for weight; the seeds thereof; the resin extracted from
161 any part of such plant; or any compound, manufacture, salt,
162 derivative, mixture, or preparation of such plant or its seeds
163 or resin that is dispensed from a medical marijuana treatment
164 center.

165 (f) "Marijuana" means all parts of any plant of the genus
166 Cannabis, whether growing or not; the seeds thereof; the resin
167 extracted from any part of the plant; and every compound,
168 manufacture, salt, derivative, mixture, or preparation of the
169 plant or its seeds or resin, including low-THC cannabis, which
170 are dispensed from a medical marijuana treatment center for
171 medical use by a qualified patient.

172 (g) "Marijuana delivery device" means an object used,
173 intended for use, or designed for use in preparing, storing,
174 ingesting, inhaling, or otherwise introducing marijuana into the
175 human body, and which is dispensed from a medical marijuana



176 treatment center for medical use by a qualified patient.

177 (h) "Marijuana testing laboratory" means a facility that
178 collects and analyzes marijuana samples from a medical marijuana
179 treatment center and has been certified by the department
180 pursuant to s. 381.988.

181 (i) "Medical director" means a person who holds an active,
182 unrestricted license as an allopathic physician under chapter
183 458 or osteopathic physician under chapter 459 and is in
184 compliance with the requirements of paragraph (3)(c).

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

188 1. Possession, use, or administration of marijuana that
189 was not purchased or acquired from a medical marijuana treatment
190 center.

191 2. Possession, use, or administration of marijuana in a
192 form for smoking, in the form of commercially produced food
193 items other than edibles, or of marijuana seeds or flower,
194 except for flower in a sealed receptacle for vaping.

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

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



- 201 5. Use or administration of marijuana in the following
202 locations:
- 203 a. On any form of public transportation.
204 b. In any public place.
205 c. In a qualified patient's place of employment, except
206 when permitted by his or her employer.
207 d. In a state correctional institution, as defined in s.
208 944.02, or a correctional institution, as defined in s. 944.241.
209 e. On the grounds of a preschool, primary school, or
210 secondary school, except as provided in s. 1006.062.
211 f. In a school bus, a vehicle, an aircraft, or a
212 motorboat.
- 213 (k) "Physician certification" means a qualified
214 physician's authorization for a qualified patient to receive
215 marijuana and a marijuana delivery device from a medical
216 marijuana treatment center.
- 217 (l) "Qualified patient" means a resident of this state who
218 has been added to the medical marijuana use registry by a
219 qualified physician to receive marijuana or a marijuana delivery
220 device for a medical use and who has a qualified patient
221 identification card.
- 222 (m) "Qualified physician" means a person who holds an
223 active, unrestricted license as an allopathic physician under
224 chapter 458 or as an osteopathic physician under chapter 459 and
225 is in compliance with the physician education requirements of



226 subsection (3).

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

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

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

238 (a) Cancer.

239 (b) Epilepsy.

240 (c) Glaucoma.

241 (d) Positive status for human immunodeficiency virus.

242 (e) Acquired immune deficiency syndrome.

243 (f) Post-traumatic stress disorder.

244 (g) Amyotrophic lateral sclerosis.

245 (h) Crohn's disease.

246 (i) Parkinson's disease.

247 (j) Multiple sclerosis.

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

250 (l) A terminal condition diagnosed by a physician other



251 than the qualified physician issuing the physician
252 certification.

253 (m) Chronic nonmalignant pain.

254 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

255 (a) To be approved as a qualified physician, as defined in
256 paragraph (1) (m), a physician must successfully complete a 2-
257 hour course and subsequent examination offered by the Florida
258 Medical Association or the Florida Osteopathic Medical
259 Association which encompass the requirements of this section and
260 any rules adopted hereunder. The course and examination shall be
261 administered at least annually and may be offered in a distance
262 learning format, including an electronic, online format that is
263 available upon request. The price of the course may not exceed
264 \$100. A physician who has met the physician education
265 requirements of former s. 381.986(4), Florida Statutes 2016,
266 before the effective date of this section, shall be deemed to be
267 in compliance with this paragraph from the effective date of
268 this act until 90 days after the course and examination required
269 by this paragraph become available.

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

273 (c) A medical director as defined in paragraph (1) (i) must
274 successfully complete a 2-hour course and subsequent examination
275 offered by the Florida Medical Association or the Florida



276 Osteopathic Medical Association which encompass the requirements
277 of this section and any rules adopted hereunder. The course and
278 examination shall be administered at least annually and may be
279 offered in a distance learning format, including an electronic,
280 online format that is available upon request. The price of the
281 course may not exceed \$100.

282 (4) PHYSICIAN CERTIFICATION.—

283 (a) A qualified physician may issue a physician
284 certification only if the qualified physician:

285 1. Conducted a physical examination while physically
286 present in the same room as the patient and a full assessment of
287 the medical history of the patient.

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

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

294 b. Documentation that establishes the efficacy of
295 marijuana as treatment for the condition.

296 c. Documentation supporting the qualified physician's
297 opinion that medical use of marijuana would likely outweigh the
298 potential health risks for the patient.

299 d. Any other documentation requested by the board.

300 3. Determined that the medical use of marijuana would



301 likely outweigh the potential health risks for the patient. If a
302 patient is younger than 18 years of age, a second physician must
303 concur with this determination, and such determination must be
304 documented in the patient's medical record.

305 4. Determined that the patient is not pregnant and
306 documented such determination in the patient's medical record. A
307 physician may not issue a physician certification to a patient
308 who is pregnant.

309 5. Reviewed the patient's controlled drug prescription
310 history in the prescription drug monitoring program database
311 established pursuant to s. 893.055.

312 6. Reviewed the medical marijuana use registry and
313 confirmed that the patient does not have an active physician
314 certification from another qualified physician.

315 7. Registers as the issuer of the physician certification
316 for the named qualified patient on the medical marijuana use
317 registry in an electronic manner determined by the department,
318 and:

319 a. Enters into the registry the contents of the physician
320 certification, including the patient's qualifying condition and
321 the dosage not to exceed the daily dose amount determined by the
322 department, the amount and forms of marijuana authorized for the
323 patient, and any types of marijuana delivery devices needed by
324 the patient for the medical use of marijuana.

325 b. Updates the registry within 7 days after any change is



326 made to the original physician certification to reflect such
327 change.

328 c. Deactivates the registration of the qualified patient
329 and the patient's caregiver when the physician no longer
330 recommends the medical use of marijuana for the patient.

331 8. Maintains an individualized patient treatment plan that
332 includes the qualified patient's qualifying condition and the
333 dose, route of administration, planned duration, treatment
334 objectives, plan for assessing and monitoring the qualified
335 patient's risk of aberrant drug-related behavior, and plan for
336 monitoring the qualified patient's symptoms and other indicators
337 of tolerance or reaction to the marijuana.

338 9. Submits the patient treatment plan quarterly to the
339 Coalition for Medical Marijuana Research and Education
340 established pursuant to s. 1004.4351 for research on the safety
341 and efficacy of marijuana.

342 10. Obtains the voluntary and informed written consent of
343 the patient for medical use of marijuana each time the qualified
344 physician issues a physician certification for the patient,
345 which shall be maintained in the patient's medical record. The
346 patient, or the patient's parent or legal guardian if the
347 patient is a minor, must sign the informed consent acknowledging
348 that the qualified physician has sufficiently explained its
349 content. The qualified physician must use a standardized
350 informed consent form adopted in rule by the Board of Medicine



351 and the Board of Osteopathic Medicine, which must include, at a
352 minimum, information related to:

353 a. The Federal Government's classification of marijuana as
354 a Schedule I controlled substance.

355 b. The approval and oversight status of marijuana by the
356 Food and Drug Administration.

357 c. The current state of research on the efficacy of
358 marijuana to treat the qualifying conditions set forth in this
359 section.

360 d. The potential for addiction.

361 e. The potential effect that marijuana may have on a
362 patient's coordination, motor skills, and cognition, including a
363 warning against operating heavy machinery, operating a motor
364 vehicle, or engaging in activities that require a person to be
365 alert or respond quickly.

366 f. The potential side effects of marijuana use.

367 g. The risks, benefits, and drug interactions of
368 marijuana.

369 h. That the patient's de-identified health information
370 contained in the physician certification, treatment plan, and
371 medical marijuana use registry may be used for research
372 purposes.

373 (b) A qualified physician may not issue a physician
374 certification for more than three 70-day supply limits of
375 marijuana. The department shall quantify by rule a daily dose



376 amount with equivalent dose amounts for each allowable form of
377 marijuana dispensed by a medical marijuana treatment center. The
378 department shall use the daily dose amount to calculate a 70-day
379 supply.

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

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

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

387 c. A description of how the patient will benefit from an
388 increased amount.

389 d. The minimum daily dose amount of marijuana that would
390 be sufficient for the treatment of the qualified patient's
391 qualifying medical condition.

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

394 3. The department shall approve or disapprove the request
395 within 14 days after receipt of the complete documentation
396 required by this paragraph. The request shall be deemed approved
397 if the department fails to act within this time period.

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



401 (d) An active order for low-THC cannabis or medical
402 cannabis issued pursuant to former s. 381.986, Florida Statutes
403 2016, and registered with the compassionate use registry before
404 the effective date of this section, is deemed a physician
405 certification, and all patients possessing such orders are
406 deemed qualified patients until the department begins issuing
407 medical marijuana use registry identification cards.

408 (e) The department shall monitor physician registration in
409 the medical marijuana use registry and the issuance of physician
410 certifications for practices that could facilitate unlawful
411 diversion or misuse of marijuana or a marijuana delivery device
412 and shall take disciplinary action as appropriate.

413 (f) The Board of Medicine and the Board of Osteopathic
414 Medicine shall jointly create a physician certification pattern
415 review panel that shall review all physician certifications
416 submitted to the medical marijuana use registry. The panel shall
417 track and report the number of physician certifications and the
418 qualifying medical conditions, dosage, supply amount, and form
419 of marijuana certified. The panel shall report the data both by
420 individual qualified physician and in the aggregate, by county,
421 and statewide. The physician certification pattern review panel
422 shall, beginning January 1, 2018, submit an annual report of its
423 findings and recommendations to the Governor, the President of
424 the Senate, and the Speaker of the House of Representatives.

425 (g) The department, the Board of Medicine, and the Board



426 of Osteopathic Medicine may adopt rules pursuant to ss.
427 120.536(1) and 120.54 to implement this subsection.

428 (5) MEDICAL MARIJUANA USE REGISTRY.—

429 (a) The department shall create and maintain a secure,
430 electronic, and online medical marijuana use registry for
431 physicians, patients, and caregivers as provided under this
432 section. The medical marijuana use registry must be accessible
433 to law enforcement agencies, qualified physicians, and medical
434 marijuana treatment centers to verify the authorization of a
435 qualified patient or a caregiver to possess marijuana or a
436 marijuana delivery device and record the marijuana or marijuana
437 delivery device dispensed. The medical marijuana use registry
438 must also be accessible to practitioners licensed to prescribe
439 prescription drugs to ensure proper care for patients before
440 medications that may interact with the medical use of marijuana
441 are prescribed. The medical marijuana use registry must prevent
442 an active registration of a qualified patient by multiple
443 physicians.

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

448 1. An adult resident must provide the department with a
449 copy of his or her valid Florida driver license issued under s.
450 322.18 or a copy of a valid Florida identification card issued



451 under s. 322.051.

452 2. An adult seasonal resident who cannot meet the
453 requirements of subparagraph 1. may provide the department with
454 a copy of two of the following that show proof of residential
455 address:

456 a. A deed, mortgage, monthly mortgage statement, mortgage
457 payment booklet or residential rental or lease agreement.

458 b. One proof of residential address from the seasonal
459 resident's parent, step-parent, legal guardian or other person
460 with whom the seasonal resident resides and a statement from the
461 person with whom the seasonal resident resides stating that the
462 seasonal resident does reside with him or her.

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

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

466 e. Mail from a financial institution, including checking,
467 savings, or investment account statements, not more than 2
468 months old.

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

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

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

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



- 476 b. Maintains a temporary residence in this state;
477 c. Returns to the state or jurisdiction of his or her
478 residence at least one time during each calendar year; and
479 d. Is registered to vote or pays income tax in another
480 state or jurisdiction.
- 481 4. A minor must provide the department with a certified
482 copy of a birth certificate or a current record of registration
483 from a Florida K-12 school and must have a parent or legal
484 guardian who meets the requirements of subparagraph 1.
- 485 5. A minor must provide the department with a certified
486 copy of a birth certificate or a current record of registration
487 from a Florida K-12 school and must have a parent or legal
488 guardian who meets the requirements of subparagraph (6) (b)1.
- 489 (c) The department may suspend or revoke the registration
490 of a qualified patient or caregiver if the qualified patient or
491 caregiver:
- 492 1. Provides misleading, incorrect, false, or fraudulent
493 information to the department;
- 494 2. Obtains a supply of marijuana in an amount greater than
495 the amount authorized by the physician certification;
- 496 3. Falsifies, alters, or otherwise modifies an
497 identification card;
- 498 4. Fails to timely notify the department of any changes to
499 his or her qualified patient status; or
- 500 5. Violates the requirements of this section or any rule



501 adopted under this section.

502 (d) The department shall immediately suspend the
503 registration of a qualified patient charged with a violation of
504 chapter 893 until final disposition of any alleged offense.
505 Thereafter, the department may extend the suspension, revoke the
506 registration, or reinstate the registration.

507 (e) The department shall immediately suspend the
508 registration of any caregiver charged with a violation of
509 chapter 893 until final disposition of any alleged offense. The
510 department shall revoke a caregiver registration if the
511 caregiver does not meet the requirements of subparagraph
512 (6) (b) 6.

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

517 (g) The department shall revoke the registration of a
518 qualified patient, and the patient's associated caregiver, upon
519 notification that the patient no longer meets the criteria of a
520 qualified patient.

521 (h) The department may adopt rules pursuant to ss.
522 120.536(1) and 120.54 to implement this subsection.

523 (6) CAREGIVERS.—

524 (a) The department must register an individual as a
525 caregiver on the medical marijuana use registry and issue a



526 caregiver identification card if an individual designated by a
527 qualified patient meets all of the requirements of this
528 subsection and department rule.

529 (b) A caregiver must:

530 1. Not be a qualified physician and not be employed by or
531 have an economic interest in a medical marijuana treatment
532 center or a marijuana testing laboratory.

533 2. Be 21 years of age or older and a resident of this
534 state.

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

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

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

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

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

548 1. The qualified patient is a minor and the designated
549 caregivers are parents or legal guardians of the qualified
550 patient;



551 2. The qualified patient is an adult who has an
552 intellectual or developmental disability that prevents the
553 patient from being able to protect or care for himself or
554 herself without assistance or supervision and the designated
555 caregivers are the parents or legal guardians of the qualified
556 patient; or

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

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

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

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

568 3. All qualified patients the caregiver has agreed to
569 assist are admitted to a hospice program and have requested the
570 assistance of that caregiver with the medical use of marijuana;
571 the caregiver is an employee of the hospice; and the caregiver
572 provides personal care or other services directly to clients of
573 the hospice in the scope of that employment.

574 (e) A caregiver may not receive compensation, other than
575 actual expenses incurred, for any services provided to the



576 qualified patient.

577 (f) If a qualified patient is younger than 18 years of
578 age, only a caregiver may purchase or administer marijuana for
579 medical use by the qualified patient. The qualified patient may
580 not purchase marijuana.

581 (g) A caregiver must be in immediate possession of his or
582 her medical marijuana use registry identification card at all
583 times when in possession of marijuana or a marijuana delivery
584 device and must present his or her medical marijuana use
585 registry identification card upon the request of a law
586 enforcement officer.

587 (h) The department may adopt rules pursuant to ss.
588 120.536(1) and 120.54 to implement this subsection.

589 (7) IDENTIFICATION CARDS.-

590 (a) The department shall issue medical marijuana use
591 registry identification cards for qualified patients and
592 caregivers who are residents of this state, which must be
593 renewed annually. The identification cards must be resistant to
594 counterfeiting and tampering and must include, at a minimum, the
595 following:

596 1. The name, address, and date of birth of the qualified
597 patient or caregiver.

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



- 601 3. Identification as a qualified patient or a caregiver.
- 602 4. The unique numeric identifier used for the qualified
603 patient in the medical marijuana use registry.
- 604 5. For a caregiver, the name and unique numeric identifier
605 of the caregiver and the qualified patient or patients that the
606 caregiver is assisting.
- 607 6. The expiration date of the identification card.
- 608 (b) The department must receive written consent from a
609 qualified patient's parent or legal guardian before it may issue
610 an identification card to a qualified patient who is a minor.
- 611 (c) The department shall, by July 3, 2017, adopt rules
612 pursuant to ss. 120.536(1) and 120.54 establishing procedures
613 for the issuance, renewal, suspension, replacement, surrender,
614 and revocation of medical marijuana use registry identification
615 cards and shall begin issuing qualified patient identification
616 cards by October 3, 2017.
- 617 (d) Applications for identification cards must be
618 submitted on a form prescribed by the department. The department
619 may charge a reasonable fee associated with the issuance,
620 replacement, and renewal of identification cards. The department
621 may contract with a third-party vendor to issue identification
622 cards. The vendor selected by the department must have
623 experience performing similar functions for other state
624 agencies.
- 625 (e) A qualified patient or caregiver must return his or



626 her identification card to the department within 5 business days
627 after revocation.

628 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

629 (a) The department shall license medical marijuana
630 treatment centers to ensure reasonable statewide accessibility
631 and availability as necessary for qualified patients registered
632 in the medical marijuana use registry and who are issued a
633 physician certification under this section.

634 1. The department shall license as a medical marijuana
635 treatment center any entity that holds an active, unrestricted
636 license to cultivate, process, transport, and dispense low-THC
637 cannabis, medical cannabis, and cannabis delivery devices, under
638 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
639 and which meets the requirements of this section. In addition to
640 the authority granted under this section, these entities are
641 authorized to dispense low-THC cannabis, medical cannabis, and
642 cannabis delivery devices ordered pursuant to former s. 381.986,
643 Florida Statutes 2016, which were entered into the compassionate
644 use registry before July 1, 2017. The department may grant
645 variances from the representations made in such an entity's
646 original application for approval under former s. 381.986,
647 Florida Statutes 2014, pursuant to paragraph (e).

648 2. The department shall also license as a medical
649 marijuana treatment center one applicant that is a recognized
650 class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C.)



651 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C.
652 2011); is a member of the Black Farmers and Agriculturalists
653 Association-Florida Chapter; and meets the requirements of this
654 section.

655 3. The department shall also license as a medical
656 marijuana treatment center any applicant that was denied a
657 dispensing organization license by the department under former
658 s. 381.986, Florida Statutes 2014, if the applicant is awarded a
659 license pursuant to an administrative or legal challenge filed
660 prior to January 1, 2017, and meets the requirements of this
661 section.

662 4. Upon the registration of 150,000 active qualified
663 patients in the medical marijuana use registry, the department
664 shall also license as a medical marijuana treatment center one
665 applicant per region which was a qualified dispensing
666 organization applicant under former s. 381.986, Florida Statutes
667 2014; was the next-highest scoring applicant after the applicant
668 or applicants that were awarded a license for that region; was
669 not a litigant in an administrative challenge on or after
670 January 1, 2017; is not licensed in another region; and meets
671 the requirements of this section.

672 5. Upon the registration of 200,000 active qualified
673 patients in the medical marijuana use registry, the department
674 shall license five additional medical marijuana treatment
675 centers that meet the requirements of this section. Thereafter,



676 the department shall license three medical marijuana treatment
677 centers upon the registration of each additional 100,000 active
678 qualified patients in the medical marijuana use registry who
679 meet the requirements of this section.

680 (b) An applicant for licensure as a medical marijuana
681 treatment center shall apply to the department on a form
682 prescribed by the department and adopted in rule. The department
683 shall adopt rules pursuant to ss. 120.536(1) and 120.54
684 establishing a procedure for the issuance and biennial renewal
685 of licenses, including initial application and biennial renewal
686 fees sufficient to cover the costs of administering this
687 licensure program. The department shall issue a license to an
688 applicant if the applicant meets the requirements of this
689 section and pays the initial application fee. The department
690 shall renew the licensure of a medical marijuana treatment
691 center biennially if the licensee meets the requirements of this
692 section and pays the biennial renewal fee. An individual may not
693 be an applicant, owner, officer, board member, or manager on
694 more than one application for licensure as a medical marijuana
695 treatment center. An individual or entity may not be awarded
696 more than one license as a medical marijuana treatment center.
697 An applicant for licensure as a medical marijuana treatment
698 center must demonstrate:

699 1. The technical and technological ability to cultivate
700 and produce marijuana, including, but not limited to, low-THC



701 cannabis.

702 2. Possession of a valid certificate of registration
703 issued by the Department of Agriculture and Consumer Services
704 pursuant to s. 581.131 which is issued for the cultivation of
705 more than 400,000 plants; operation by a nurseryman as defined
706 in s. 581.011; operation as a registered nursery in this state
707 for at least 5 continuous years; or operation as a commercial
708 citrus grove as defined by the Department of Agriculture and
709 Consumer Services or as a citrus processing plant registered
710 under s. 601.40 and possession of a valid certificate of
711 registration issued by the Department of Agriculture and
712 Consumer Services pursuant to s. 581.131.

713 3. The ability to secure the premises, resources, and
714 personnel necessary to operate as a medical marijuana treatment
715 center.

716 4. The ability to maintain accountability of all raw
717 materials, finished products, and any byproducts to prevent
718 diversion or unlawful access to or possession of these
719 substances.

720 5. An infrastructure reasonably located to dispense
721 marijuana to registered qualified patients statewide or
722 regionally as determined by the department.

723 6. The financial ability to maintain operations for the
724 duration of the 2-year approval cycle, including the provision
725 of certified financial statements to the department. Upon



726 approval, the applicant must post a \$5 million performance bond.
727 However, a medical marijuana treatment center serving at least
728 1,000 qualified patients is only required to maintain a \$2
729 million performance bond.

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

732 8. The employment of a medical director to supervise the
733 activities of the medical marijuana treatment center.

734 (c) A medical marijuana treatment center may not make a
735 wholesale purchase of marijuana from, or a distribution of
736 marijuana to, another medical marijuana treatment center, unless
737 the medical marijuana treatment center seeking to make a
738 wholesale purchase of marijuana submits proof of harvest failure
739 to the department.

740 (d) The department shall establish, maintain, and control
741 a computer software tracking system that traces marijuana from
742 seed to sale and allows real-time, 24-hour access by the
743 department to data from all medical marijuana treatment centers
744 and marijuana testing laboratories. The tracking system must
745 allow for integration of other seed-to-sale systems and, at a
746 minimum, include notification of when marijuana seeds are
747 planted, when marijuana plants are harvested and destroyed, and
748 when marijuana is transported, sold, stolen, diverted, or lost.
749 Each medical marijuana treatment center shall use the seed-to-
750 sale tracking system established by the department or integrate



751 its own seed-to-sale tracking system with the seed-to-sale
752 tracking system established by the department. Each medical
753 marijuana treatment center may use its own seed-to-sale system
754 until the department establishes a seed-to-sale tracking system.
755 The department may contract with a vendor to establish the seed-
756 to-sale tracking system. The vendor selected by the department
757 may not have a contractual relationship with the department to
758 perform any services pursuant to this section other than the
759 seed-to-sale tracking system. The vendor may not have a direct
760 or indirect financial interest in a medical marijuana treatment
761 center or a marijuana testing laboratory.

762 (e) A licensed medical marijuana treatment center shall
763 cultivate, process, transport, and dispense marijuana for
764 medical use. A licensed medical marijuana treatment center must,
765 at all times, maintain compliance with the criteria demonstrated
766 and representations made in the initial application and the
767 criteria established in this subsection. Upon request, the
768 department may grant a medical marijuana treatment center a
769 variance from the representations made in the initial
770 application. Consideration of such a request shall be based upon
771 the individual facts and circumstances surrounding the request.
772 A variance may not be granted unless the requesting medical
773 marijuana treatment center can demonstrate to the department
774 that it has a proposed alternative to the specific
775 representation made in its application which fulfills the same



776 or a similar purpose as the specific representation in a way
777 that the department can reasonably determine will not be a lower
778 standard than the specific representation in the application. A
779 variance may not be granted from the requirements in
780 subparagraph 1. and subparagraph (b)1.

781 1. A medical marijuana treatment center, and any
782 individual or entity who directly or indirectly owns, controls,
783 or holds with power to vote 25 percent or more of the voting
784 shares of a medical marijuana treatment center, may not acquire
785 direct or indirect ownership or control of any voting shares or
786 other form of ownership of any other medical marijuana treatment
787 center.

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

791 3. Each medical marijuana treatment center must adopt and
792 enforce policies and procedures to ensure employees and
793 volunteers receive training on the legal requirements to
794 dispense marijuana to qualified patients.

795 4. When growing marijuana, a medical marijuana treatment
796 center:

797 a. May use pesticides determined by the department, after
798 consultation with the Department of Agriculture and Consumer
799 Services, to be safely applied to plants intended for human
800 consumption, but may not use pesticides designated as



801 restricted-use pesticides pursuant to s. 487.042.

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

804 c. Must inspect seeds and growing plants for plant pests
805 that endanger or threaten the horticultural and agricultural
806 interests of the state in accordance with chapter 581 and any
807 rules adopted thereunder.

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

811 5. Each medical marijuana treatment center must produce
812 and make available for purchase at least one low-THC cannabis
813 product.

814 6. A medical marijuana treatment center that produces
815 edibles must hold a permit to operate as a food establishment
816 pursuant to chapter 500, the Florida Food Safety Act, and must
817 comply with all the requirements for food establishments
818 pursuant to chapter 500 and any rules adopted thereunder.

819 Edibles may not contain more than 200 milligrams of
820 tetrahydrocannabinol and a single serving portion of an edible
821 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
822 may have a potency variance of no greater than 15 percent.
823 Edibles may not be attractive to children; be manufactured in
824 the shape of humans, cartoons, or animals; be manufactured in a
825 form that bears any reasonable resemblance to products available



826 for consumption as commercially available candy; or contain any
827 color additives. To discourage consumption of edibles by
828 children, the department shall determine by rule any shapes,
829 forms, and ingredients allowed and prohibited for edibles.
830 Medical marijuana treatment centers may not begin processing or
831 dispensing edibles until after the effective date of the rule.
832 The department shall also adopt sanitation rules providing the
833 standards and requirements for the storage, display, or
834 dispensing of edibles.

835 7. When processing marijuana, a medical marijuana
836 treatment center must:

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

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

841 c. Test the processed marijuana using a medical marijuana
842 testing laboratory before it is dispensed. Results must be
843 verified and signed by two medical marijuana treatment center
844 employees. Before dispensing, the medical marijuana treatment
845 center must determine that the test results indicate that low-
846 THC cannabis meets the definition of low-THC cannabis, the
847 concentration of tetrahydrocannabinol meets the potency
848 requirements of this section, the labeling of the concentration
849 of tetrahydrocannabinol and cannabidiol is accurate, and all
850 marijuana is safe for human consumption and free from



851 contaminants that are unsafe for human consumption. The
852 Department of Health shall determine by rule which contaminants
853 must be tested for and the maximum levels of each contaminant
854 which are safe for human consumption. The Department of
855 Agriculture and Consumer Services shall assist the department in
856 developing the testing requirements for contaminants that are
857 unsafe for human consumption in edibles. The department shall
858 also determine by rule the procedures for the treatment of
859 marijuana that fails to meet the testing requirements of this
860 section, s. 381.988, or department rule. The department may
861 select a random sample from edibles available for purchase in a
862 dispensing facility that shall be tested by the department to
863 determine that the edible meets the potency requirements of this
864 section, is safe for human consumption, and the labeling of the
865 tetrahydrocannabinol and cannabidiol concentration is accurate.
866 A medical marijuana treatment center may not require payment
867 from the department for the sample. A medical marijuana
868 treatment center must recall edibles, including all edibles made
869 from the same batch of marijuana, which fail to meet the potency
870 requirements of this section, which are unsafe for human
871 consumption, or for which the labeling of the
872 tetrahydrocannabinol and cannabidiol concentration is
873 inaccurate. The Department of Health shall determine by rule
874 which contaminants must be tested for and the maximum levels of
875 each contaminant which are safe for human consumption. The



876 | Department of Agriculture and Consumer Services shall assist the
877 | department in developing the testing requirements for
878 | contaminants that are unsafe for human consumption in edibles.
879 | The department shall also determine by rule the procedures for
880 | the treatment of marijuana that fails to meet the testing
881 | requirements of this section, s. 381.988, or department rule.
882 | The department may select a random sample from edibles available
883 | for purchase in a dispensing facility that shall be tested by
884 | the department to determine that the edible meets the potency
885 | requirements of this section, is safe for human consumption, and
886 | the labeling of the tetrahydrocannabinol and cannabidiol
887 | concentration is accurate. A medical marijuana treatment center
888 | may not require payment from the department for the sample. A
889 | medical marijuana treatment center must recall all edibles,
890 | including all edibles made from the same batch of marijuana,
891 | which fail to meet the potency requirements of this section,
892 | which are unsafe for human consumption, or for which the
893 | labeling of the tetrahydrocannabinol and cannabidiol
894 | concentration is inaccurate. The medical marijuana treatment
895 | center must retain records of all testing and samples of each
896 | homogenous batch of marijuana for at least 9 months. The medical
897 | marijuana treatment center must contract with a marijuana
898 | testing laboratory to perform audits on the medical marijuana
899 | treatment center's standard operating procedures, testing
900 | records, and samples and provide the results to the department



901 to confirm that the marijuana or low-THC cannabis meets the
902 requirements of this section and that the marijuana or low-THC
903 cannabis is safe for human consumption. A medical marijuana
904 treatment center shall reserve two processed samples from each
905 batch and retain such samples for at least 9 months for the
906 purpose such audits. A medical marijuana treatment center may
907 use a laboratory that has not been certified by the department
908 under s. 381.988 until such time as at least one laboratory
909 holds the required certification, but in no event later than
910 July 1, 2018.

911 d. Package the marijuana in compliance with the United
912 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
913 1471 et seq.

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

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

918 (II) The name of the medical marijuana treatment center
919 from which the marijuana originates.

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

922 (IV) The name of the physician who issued the physician
923 certification.

924 (V) The name of the patient.

925 (VI) The product name, if applicable, and dosage form,



926 including concentration of tetrahydrocannabinol and cannabidiol.
927 The product name may not contain wording commonly associated
928 with products marketed by or to children.
929 (VII) The recommended dose.
930 (VIII) A warning that it is illegal to transfer medical
931 marijuana to another person.
932 (IX) A marijuana universal symbol developed by the
933 department.
934 8. The medical marijuana treatment center shall include in
935 each package a patient package insert with information on the
936 specific product dispensed related to:
937 a. Clinical pharmacology.
938 b. Indications and use.
939 c. Dosage and administration.
940 d. Dosage forms and strengths.
941 e. Contraindications.
942 f. Warnings and precautions.
943 g. Adverse reactions.
944 9. Each edible shall be individually sealed in plain,
945 opaque wrapping marked only with the marijuana universal symbol.
946 Where practical, each edible shall be marked with the marijuana
947 universal symbol. In addition to the packaging and labeling
948 requirements in subparagraphs 7. and 8., edible receptacles must
949 be plain, opaque, and white without depictions of the product or
950 images other than the medical marijuana treatment center's



951 department-approved logo and the marijuana universal symbol. The
952 receptacle must also include a list all of the edible's
953 ingredients, storage instructions, an expiration date, a legible
954 and prominent warning to keep away from children and pets, and a
955 warning that the edible has not been produced or inspected
956 pursuant to federal food safety laws.

957 10. When dispensing marijuana or a marijuana delivery
958 device, a medical marijuana treatment center:

959 a. May dispense any active, valid order for low-THC
960 cannabis, medical cannabis and cannabis delivery devices issued
961 pursuant to former s. 381.986, Florida Statutes 2016, which was
962 been entered into the medical marijuana use registry before July
963 1, 2017.

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

966 c. Must have the medical marijuana treatment center's
967 employee who dispenses the marijuana or a marijuana delivery
968 device enter into the medical marijuana use registry his or her
969 name or unique employee identifier.

970 d. Must verify that the qualified patient and the
971 caregiver, if applicable, each has an active registration in the
972 medical marijuana use registry and an active and valid medical
973 marijuana use registry identification card, the amount and type
974 of marijuana dispensed matches the physician's certification in
975 the medical marijuana use registry for that qualified patient,



976 and the physician certification has not already been filled.

977 e. May not dispense marijuana to a qualified patient who
978 is younger than 18 years of age. If the qualified patient is
979 younger than 18 years of age, marijuana may only be dispensed to
980 the qualified patient's caregiver.

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

986 g. Must, upon dispensing the marijuana or marijuana
987 delivery device, record in the registry the date, time,
988 quantity, and form of marijuana dispensed; the type of marijuana
989 delivery device dispensed; and the name and medical marijuana
990 use registry identification number of the qualified patient or
991 caregiver to whom the marijuana delivery device was dispensed.

992 (f) To ensure the safety and security of premises where
993 the cultivation, processing, storing, or dispensing of marijuana
994 occurs, and to maintain adequate controls against the diversion,
995 theft, and loss of marijuana or marijuana delivery devices, a
996 medical marijuana treatment center shall:

997 1.a. Maintain a fully operational security alarm system
998 that secures all entry points and perimeter windows and is
999 equipped with motion detectors; pressure switches; and duress,
1000 panic, and hold-up alarms; and



- 1001 b. Maintain a video surveillance system that records
1002 continuously 24 hours a day and meets the following criteria:
- 1003 (I) Cameras are fixed in a place that allows for the clear
1004 identification of persons and activities in controlled areas of
1005 the premises. Controlled areas include grow rooms, processing
1006 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1007 rooms.
- 1008 (II) Cameras are fixed in entrances and exits to the
1009 premises, which shall record from both indoor and outdoor, or
1010 ingress and egress, vantage points.
- 1011 (III) Recorded images must clearly and accurately display
1012 the time and date.
- 1013 (IV) Retain video surveillance recordings for at least 45
1014 days or longer upon the request of a law enforcement agency.
- 1015 2. Ensure that the medical marijuana treatment center's
1016 outdoor premises have sufficient lighting from dusk until dawn.
- 1017 3. Not dispense from its premises marijuana or a marijuana
1018 delivery device between the hours of 9 p.m. and 7 a.m., but may
1019 perform all other operations and deliver marijuana to qualified
1020 patients 24 hours a day.
- 1021 4. Store marijuana in a secured, locked room or a vault.
- 1022 5. Require at least two of its employees, or two employees
1023 of a security agency with whom it contracts, to be on the
1024 premises at all times.
- 1025 6. Require each employee or contractor to wear a photo



1026 identification badge at all times while on the premises.

1027 7. Require each visitor to wear a visitor pass at all

1028 times while on the premises.

1029 8. Implement an alcohol and drug-free workplace policy.

1030 9. Report to local law enforcement within 24 hours after

1031 the treatment center is notified or becomes aware of the theft,

1032 diversion, or loss of marijuana.

1033 (g) If a medical marijuana treatment center uses a banking

1034 institution, the treatment center must maintain all accounts

1035 that are directly or indirectly associated with the business of

1036 the medical marijuana treatment center at a single bank.

1037 (h) To ensure the safe transport of marijuana and

1038 marijuana delivery devices to medical marijuana treatment

1039 centers, marijuana testing laboratories, or qualified patients,

1040 a medical marijuana treatment center must:

1041 1. Maintain a marijuana transportation manifest in any

1042 vehicle transporting marijuana. The marijuana transportation

1043 manifest must be generated from a medical marijuana treatment

1044 center's seed-to-sale tracking system and include the:

1045 a. Departure date and approximate time of departure.

1046 b. Name, location address, and license number of the

1047 originating medical marijuana treatment center.

1048 c. Name and address of the recipient of the delivery.

1049 d. Quantity and form of any marijuana or marijuana

1050 delivery device being transported.



- 1051 e. Arrival date and estimated time of arrival.
- 1052 f. Delivery vehicle make and model and license plate
- 1053 number.
- 1054 g. Name and signature of the medical marijuana treatment
- 1055 center employees delivering the product.
- 1056 (I) A copy of the marijuana transportation manifest must
- 1057 be provided to each individual, medical marijuana treatment
- 1058 center, or marijuana testing laboratory that receives a
- 1059 delivery. The individual, or a representative of the center or
- 1060 laboratory, must sign a copy of the marijuana transportation
- 1061 manifest acknowledging receipt.
- 1062 (II) An individual transporting marijuana or a marijuana
- 1063 delivery device must present a copy of the relevant marijuana
- 1064 transportation manifest and his or her employee identification
- 1065 card to a law enforcement officer upon request.
- 1066 (III) Medical marijuana treatment centers and marijuana
- 1067 testing laboratories must retain copies of all marijuana
- 1068 transportation manifests for at least 3 years.
- 1069 2. Ensure only vehicles in good working order are used to
- 1070 transport marijuana.
- 1071 3. Lock marijuana and marijuana delivery devices in a
- 1072 separate compartment or container within the vehicle.
- 1073 4. Require employees to have possession of their employee
- 1074 identification card at all times when transporting marijuana or
- 1075 marijuana delivery devices.



1076 5. Require at least two persons to be in a vehicle
1077 transporting marijuana or marijuana delivery devices, and
1078 require at least one person to remain in the vehicle while the
1079 marijuana or marijuana delivery device is being delivered.

1080 6. Provide specific safety and security training to
1081 employees transporting or delivering marijuana and marijuana
1082 delivery devices.

1083 (i) A medical marijuana treatment center may not engage in
1084 advertising that is visible to members of the public from any
1085 street, sidewalk, park, or other public place, except:

1086 1. The dispensing location of a medical marijuana
1087 treatment center may have a sign that is affixed to the outside
1088 or hanging in the window of the premises which identifies the
1089 dispensary by the licensee's business name, a department-
1090 approved trade name, or a department-approved logo. A medical
1091 marijuana treatment center's trade name and logo may not contain
1092 wording or images commonly associated with marketing targeted
1093 toward children or which promote recreational use of marijuana.

1094 2. A medical marijuana treatment center may engage in
1095 Internet advertising and marketing under the following
1096 conditions:

1097 a. All advertisements must be approved by the department.

1098 b. An advertisement may not have any content that
1099 specifically targets individuals under the age of 18, including
1100 cartoon characters or similar images.



1101 c. An advertisement may not be an unsolicited pop-up
1102 advertisement.

1103 d. Opt-in marketing must include an easy and permanent
1104 opt-out feature.

1105 (j) Each medical marijuana treatment center that dispenses
1106 marijuana and marijuana delivery devices shall make available to
1107 the public on its website:

1108 1. Each marijuana and low-THC product available for
1109 purchase, including the form, strain of marijuana from which it
1110 was extracted, cannabidiol content, tetrahydrocannabinol
1111 content, dose unit, total number of doses available, and the
1112 ratio of cannabidiol to tetrahydrocannabinol for each product.

1113 2. The price for a 30-day supply at a standard dose for
1114 each marijuana and low-THC product available for purchase.

1115 3. The price for each marijuana delivery device available
1116 for purchase.

1117 4. If applicable, any discount policies and eligibility
1118 criteria for such discounts.

1119 (k) Medical marijuana treatment centers are the sole
1120 source from which a qualified patient may legally obtain
1121 marijuana.

1122 (l) The department may adopt rules pursuant to ss.
1123 120.536(1) and 120.54 to implement this subsection.

1124 (9) BACKGROUND SCREENING.-An individual required to
1125 undergo a background screening by this section must pass a level



1126 2 background screening as provided under chapter 435, which, in
1127 addition to the disqualifying offenses provided in s. 435.04,
1128 shall exclude an individual who has an arrest awaiting final
1129 disposition for, has been found guilty of, regardless of
1130 adjudication, or has entered a plea of nolo contendere or guilty
1131 to an offense under chapter 837, chapter 895, or chapter 896 or
1132 similar law of another jurisdiction.

1133 (a) Such individual must submit a full set of fingerprints
1134 to the department or to a vendor, entity, or agency authorized
1135 by s. 943.053(13). The department, vendor, entity, or agency
1136 shall forward the fingerprints to the Department of Law
1137 Enforcement for state processing, and the Department of Law
1138 Enforcement shall forward the fingerprints to the Federal Bureau
1139 of Investigation for national processing.

1140 (b) Fees for state and federal fingerprint processing and
1141 retention shall be borne by the individual. The state cost for
1142 fingerprint processing shall be as provided in s. 943.053(3) (e)
1143 for records provided to persons or entities other than those
1144 specified as exceptions therein.

1145 (c) Fingerprints submitted to the Department of Law
1146 Enforcement pursuant to this subsection shall be retained by the
1147 Department of Law Enforcement as provided in s. 943.05(2) (g) and
1148 (h) and, when the Department of Law Enforcement begins
1149 participation in the program, enrolled in the Federal Bureau of
1150 Investigation's national retained print arrest notification



1151 program. Any arrest record identified shall be reported to the
1152 department.

1153 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1154 ADMINISTRATIVE ACTIONS.—

1155 (a) The department shall conduct announced or unannounced
1156 inspections of medical marijuana treatment centers to determine
1157 compliance with this section or rules adopted pursuant to this
1158 section.

1159 (b) The department shall inspect a medical marijuana
1160 treatment center upon receiving a complaint or notice that the
1161 medical marijuana treatment center has dispensed marijuana
1162 containing mold, bacteria, or other contaminant that may cause
1163 or has caused an adverse effect to human health or the
1164 environment.

1165 (c) The department shall conduct at least a biennial
1166 inspection of each medical marijuana treatment center to
1167 evaluate the medical marijuana treatment center's records,
1168 personnel, equipment, processes, security measures, sanitation
1169 practices, and quality assurance practices.

1170 (d) The Department of Agriculture and Consumer Services
1171 and the department shall enter into an interagency agreement to
1172 ensure cooperation and coordination in the performance of their
1173 obligations under this section and their respective regulatory
1174 and authorizing laws. The department, the Department of Highway
1175 Safety and Motor Vehicles, and the Department of Law Enforcement



1176 may enter into interagency agreements for the purposes specified
1177 in this subsection.

1178 (e) The department shall publish a list of all approved
1179 medical marijuana treatment centers, medical directors, and
1180 qualified physicians on its website.

1181 (f) The department may impose reasonable fines not to
1182 exceed \$10,000 on a medical marijuana treatment center for any
1183 of the following violations:

1184 1. Violating this section or department rule.

1185 2. Failing to maintain qualifications for approval.

1186 3. Endangering the health, safety, or security of a
1187 qualified patient.

1188 4. Improperly disclosing personal and confidential
1189 information of the qualified patient.

1190 5. Attempting to procure medical marijuana treatment
1191 center approval by bribery, fraudulent misrepresentation, or
1192 extortion.

1193 6. Being convicted or found guilty of, or entering a plea
1194 of guilty or nolo contendere to, regardless of adjudication, a
1195 crime in any jurisdiction which directly relates to the business
1196 of a medical marijuana treatment center.

1197 7. Making or filing a report or record that the medical
1198 marijuana treatment center knows to be false.

1199 8. Willfully failing to maintain a record required by this
1200 section or department rule.



1201 9. Willfully impeding or obstructing an employee or agent
1202 of the department in the furtherance of his or her official
1203 duties.

1204 10. Engaging in fraud or deceit, negligence, incompetence,
1205 or misconduct in the business practices of a medical marijuana
1206 treatment center.

1207 11. Making misleading, deceptive, or fraudulent
1208 representations in or related to the business practices of a
1209 medical marijuana treatment center.

1210 12. Having a license or the authority to engage in any
1211 regulated profession, occupation, or business that is related to
1212 the business practices of a medical marijuana treatment center
1213 suspended, revoked, or otherwise acted against by the licensing
1214 authority of any jurisdiction, including its agencies or
1215 subdivisions, for a violation that would constitute a violation
1216 under Florida law.

1217 13. Violating a lawful order of the department or an
1218 agency of the state, or failing to comply with a lawfully issued
1219 subpoena of the department or an agency of the state.

1220 (g) The department may suspend, revoke, or refuse to renew
1221 a medical marijuana treatment center license if the treatment
1222 center commits any of the violations in paragraph (f).

1223 (h) The department may adopt rules pursuant to ss.
1224 120.536(1) and 120.54 to implement this subsection.

1225 (11) PREEMPTION.—Regulation of cultivation, processing,



1226 and delivery of marijuana by medical marijuana treatment centers
1227 is preempted to the state except as provided in this subsection.

1228 (a) A medical marijuana treatment center cultivating or
1229 processing facility may not be located within 500 feet of the
1230 real property that comprises a public or private elementary
1231 school, middle school, or secondary school.

1232 (b) A municipality may determine by ordinance the criteria
1233 for the number and location of, and other permitting
1234 requirements that do not conflict with state law or department
1235 rule for, medical marijuana treatment center dispensing
1236 facilities located within the boundaries of the municipality. A
1237 county may determine by ordinance the criteria for the number
1238 and location of, and other permitting requirements that do not
1239 conflict with state law or department rule for, all such
1240 dispensing facilities located within the unincorporated areas of
1241 that county. However, a medical marijuana treatment center
1242 dispensing facility may not be located within 500 feet of the
1243 real property that comprises a public or private elementary
1244 school, middle school, or secondary school unless the county or
1245 municipality approves the location through a formal proceeding
1246 open to the public at which the county or municipality
1247 determines that the location promotes the public health, safety,
1248 and general welfare of the community. A municipality or county
1249 may not enact ordinances determining the location of dispensing
1250 facilities which are less restrictive than in which the county or



1251 municipality determines that the location promotes the public
1252 health, safety, and general welfare of the community. A
1253 municipality or county may not enact ordinances determining the
1254 location of dispensing facilities which are less restrictive
1255 than its ordinances determining the location of entities
1256 licensed to sell alcoholic beverages that predominantly or
1257 wholly serve alcoholic beverages for on-site consumption, in
1258 which the serving of food, if any, is merely incidental to the
1259 consumption of alcoholic beverages. A dispensing facility
1260 location approved by a municipality or county pursuant to former
1261 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1262 location requirements of this paragraph.

1263 (c) A municipality or county may not charge a medical
1264 marijuana treatment center a license or permit fee in an amount
1265 greater than the fee charged by such municipality or county to
1266 pharmacies.

1267 (d) This subsection does not prohibit any local
1268 jurisdiction from ensuring medical marijuana treatment center
1269 facilities comply with the Florida Building Code, the Florida
1270 Fire Prevention Code, or any local amendments to the Florida
1271 Building Code or the Florida Fire Prevention Code.

1272 (e) A municipality may determine by ordinance the location
1273 of medical marijuana treatment center cultivation and processing
1274 located within the boundaries of the municipality. A county may
1275 determine by ordinance the location of medical marijuana



1276 treatment center cultivation and processing located within the
1277 unincorporated areas of that county. A municipality or county
1278 may not prohibit the cultivation and processing of marijuana
1279 from occurring at the same location. A municipality or county
1280 may not enact an ordinance that has the effect of banning
1281 medical marijuana treatment center cultivation and processing
1282 from occurring within the municipality or county.

1283 (12) PENALTIES.—

1284 (a) A qualified physician commits a misdemeanor of the
1285 first degree, punishable as provided in s. 775.082 or s.
1286 775.083, if the qualified physician issues a physician
1287 certification for the medical use of marijuana for a patient
1288 without a reasonable belief that the patient is suffering from a
1289 qualifying medical condition.

1290 (b) A person who fraudulently represents that he or she
1291 has a qualifying medical condition to a qualified physician for
1292 the purpose of being issued a physician certification commits a
1293 misdemeanor of the first degree, punishable as provided in s.
1294 775.082 or s. 775.083.

1295 (c) A qualified patient who uses marijuana, not including
1296 low-THC cannabis, or a caregiver who administers marijuana, not
1297 including low-THC cannabis, in plain view of or in a place open
1298 to the general public; in a school bus, a vehicle, an aircraft,
1299 or a boat; or on the grounds of a school except as provided in
1300 s. 1006.062, commits a misdemeanor of the first degree,



1301 punishable as provided in s. 775.082 or s. 775.083.

1302 (d) A qualified patient or caregiver who cultivates
1303 marijuana or who purchases or acquires marijuana from any person
1304 or entity other than a medical marijuana treatment center
1305 violates s. 893.13 and is subject to the penalties provided
1306 therein.

1307 (e)1. A qualified patient or caregiver in possession of
1308 marijuana or a marijuana delivery device who fails or refuses to
1309 present his or her marijuana use registry identification card
1310 upon the request of a law enforcement officer commits a
1311 misdemeanor of the second degree, punishable as provided in s.
1312 775.082 or s. 775.083, unless it can be determined through the
1313 medical marijuana use registry that the person is authorized to
1314 be in possession of that marijuana or marijuana delivery device.

1315 2. A person charged with a violation of this paragraph may
1316 not be convicted if, prior to, before, or at the time of his or
1317 her court or hearing appearance, the person produces in court or
1318 to the clerk of the court in which the charge is pending a
1319 medical marijuana use registry identification card issued to him
1320 or her which is valid at the time of his or her arrest. The
1321 clerk of the court is authorized to dismiss such case at any
1322 time before the defendant's appearance in court. The clerk of
1323 the court may assess a fee of \$5 for dismissing the case under
1324 this paragraph.

1325 (f) A caregiver who violates any of the applicable



1326 provisions of this section or applicable department rules, for
1327 the first offense, commits a misdemeanor of the second degree,
1328 punishable as provided in s. 775.082 or s. 775.083 and, for a
1329 second or subsequent offense, commits a misdemeanor of the first
1330 degree, punishable as provided in s. 775.082 or s. 775.083.

1331 (g) A qualified physician who issues a physician
1332 certification for marijuana or a marijuana delivery device and
1333 receives compensation from a medical marijuana treatment center
1334 related to the issuance of a physician certification for
1335 marijuana or a marijuana delivery device is subject to
1336 disciplinary action under the applicable practice act and s.
1337 456.072 (1) (n) .

1338 (h) A person transporting marijuana or marijuana delivery
1339 devices on behalf of a medical marijuana treatment center or
1340 marijuana testing laboratory who fails or refuses to present a
1341 transportation manifest upon the request of a law enforcement
1342 officer commits a misdemeanor of the second degree, punishable
1343 as provided in s. 775.082 or s. 775.083.

1344 (i) Persons and entities conducting activities authorized
1345 and governed by this section and s. 381.988 are subject to the
1346 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1347 (j) A person or entity that cultivates, processes,
1348 distributes, sells, or dispenses marijuana, as defined in s.
1349 29(b)(4), Art. X of the State Constitution, and is not licensed
1350 as a medical marijuana treatment center violates s. 893.13 and



1351 is subject to the penalties provided therein.

1352 (13) UNLICENSED ACTIVITY.—

1353 (a) If the department has probable cause to believe that a
1354 person or entity that is not registered or licensed with the
1355 department has violated this section, s. 381.988, or any rule
1356 adopted pursuant to this section, the department may issue and
1357 deliver to such person or entity a notice to cease and desist
1358 from such violation. The department also may issue and deliver a
1359 notice to cease and desist to any person or entity who aids and
1360 abets such unlicensed activity. The issuance of a notice to
1361 cease and desist does not constitute agency action for which a
1362 hearing under s. 120.569 or s. 120.57 may be sought. For the
1363 purpose of enforcing a cease and desist order, the department
1364 may file a proceeding in the name of the state seeking issuance
1365 of an injunction or a writ of mandamus against any person or
1366 entity who violates any provisions of such order.

1367 (b) In addition to the remedies under paragraph (a), the
1368 department may impose by citation an administrative penalty not
1369 to exceed \$5,000 per incident. The citation shall be issued to
1370 the subject and shall contain the subject's name and any other
1371 information the department determines to be necessary to
1372 identify the subject, a brief factual statement, the sections of
1373 the law allegedly violated, and the penalty imposed. If the
1374 subject does not dispute the matter in the citation with the
1375 department within 30 days after the citation is served, the



1376 citation shall become a final order of the department. The
1377 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1378 to implement this section. Each day that the unlicensed activity
1379 continues after issuance of a notice to cease and desist
1380 constitutes a separate violation. The department shall be
1381 entitled to recover the costs of investigation and prosecution
1382 in addition to the fine levied pursuant to the citation. Service
1383 of a citation may be made by personal service or by mail to the
1384 subject at the subject's last known address or place of
1385 practice. If the department is required to seek enforcement of
1386 the cease and desist or agency order, it shall be entitled to
1387 collect attorney fees and costs.

1388 (c) In addition to or in lieu of any other administrative
1389 remedy, the department may seek the imposition of a civil
1390 penalty through the circuit court for any violation for which
1391 the department may issue a notice to cease and desist. The civil
1392 penalty shall be no less than \$5,000 and no more than \$10,000
1393 for each offense. The court may also award to the prevailing
1394 party court costs and reasonable attorney fees and, in the event
1395 the department prevails, may also award reasonable costs of
1396 investigation and prosecution.

1397 (d) In addition to the other remedies provided in this
1398 section, the department or any state attorney may bring an
1399 action for an injunction to restrain any unlicensed activity or
1400 to enjoin the future operation or maintenance of the unlicensed



1401 activity or the performance of any service in violation of this
1402 section until compliance with this section and department rules
1403 has been demonstrated to the satisfaction of the department.

1404 (e) The department must notify local law enforcement of
1405 such unlicensed activity for a determination of any criminal
1406 violation of chapter 893.

1407 (14) EXCEPTIONS TO OTHER LAWS.—

1408 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1409 any other provision of law, but subject to the requirements of
1410 this section, a qualified patient and the qualified patient's
1411 caregiver may purchase from a medical marijuana treatment center
1412 for the patient's medical use a marijuana delivery device and up
1413 to the amount of marijuana authorized in the physician
1414 certification, but may not possess more than a 70-day supply of
1415 marijuana at any given time and all marijuana purchased must
1416 remain in its original packaging.

1417 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1418 any other provision of law, but subject to the requirements of
1419 this section, an approved medical marijuana treatment center and
1420 its owners, managers, and employees may manufacture, possess,
1421 sell, deliver, distribute, dispense, and lawfully dispose of
1422 marijuana or a marijuana delivery device as provided in this
1423 section, s. 381.988, and by department rule. For purposes of
1424 this subsection, the terms "manufacture," "possession,"
1425 "deliver," "distribute," and "dispense" have the same meanings



1426 as provided in s. 893.02.

1427 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1428 any other provision of law, but subject to the requirements of
1429 this section, a certified marijuana testing laboratory,
1430 including an employee of a certified marijuana testing
1431 laboratory acting within the scope of his or her employment, may
1432 acquire, possess, test, transport, and lawfully dispose of
1433 marijuana as provided in this section, in s. 381.988, and by
1434 department rule.

1435 (d) A licensed medical marijuana treatment center and its
1436 owners, managers, and employees are not subject to licensure or
1437 regulation under chapter 465 or chapter 499 for manufacturing,
1438 possessing, selling, delivering, distributing, dispensing, or
1439 lawfully disposing of marijuana or a marijuana delivery device,
1440 as provided in this section, s. 381.988, and by department rule.

1441 (e) This subsection does not exempt a person from
1442 prosecution for a criminal offense related to impairment or
1443 intoxication resulting from the medical use of marijuana or
1444 relieve a person from any requirement under law to submit to a
1445 breath, blood, urine, or other test to detect the presence of a
1446 controlled substance.

1447 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1448 any other provision of law, but subject to the requirements of
1449 this section and pursuant to policies and procedures established
1450 pursuant to s. 1006.62(8), school personnel may possess



1451 marijuana that is obtained for medical use pursuant to this
1452 section by a student who is a qualified patient.

1453 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1454 any other provision of law, but subject to the requirements of
1455 this section, a research institute established by a public
1456 postsecondary educational institution, such as the H. Lee
1457 Moffitt Cancer Center and Research Institute established under
1458 s. 1004.43, or a state university that has achieved the
1459 preeminent state research university designation under s.
1460 1001.7065 may possess, test, transport, and lawfully dispose of
1461 marijuana for research purposes as provided by this section.

1462 (15) APPLICABILITY.—This section does not limit the
1463 ability of an employer to establish, continue, or enforce a
1464 drug-free workplace program or policy. This section does not
1465 require an employer to accommodate the medical use of marijuana
1466 in any workplace or any employee working while under the
1467 influence of marijuana. This section does not create a cause of
1468 action against an employer for wrongful discharge or
1469 discrimination.

1470 Section 3. Paragraph (uu) is added to subsection (1) of
1471 section 458.331, Florida Statutes, to read:

1472 458.331 Grounds for disciplinary action; action by the
1473 board and department.—

1474 (1) The following acts constitute grounds for denial of a
1475 license or disciplinary action, as specified in s. 456.072(2):



1476 (uu) Issuing a physician certification, as defined in s.
1477 381.986, in a manner out of compliance with the requirements of
1478 that section and rules adopted thereunder.

1479 Section 4. Paragraph (ww) is added to subsection (1) of
1480 section 459.015, Florida Statutes, to read:

1481 459.015 Grounds for disciplinary action; action by the
1482 board and department.—

1483 (1) The following acts constitute grounds for denial of a
1484 license or disciplinary action, as specified in s. 456.072(2):

1485 (ww) Issuing a physician certification, as defined in s.
1486 381.986, in a manner not in compliance with the requirements of
1487 that section and rules adopted thereunder.

1488 Section 5. Section 381.988, Florida Statutes, is created
1489 to read:

1490 381.988 Medical marijuana testing laboratories; marijuana
1491 tests conducted by a certified laboratory.—

1492 (1) A person or entity seeking to be a certified marijuana
1493 testing laboratory must:

1494 (a) Not be owned or controlled by a medical marijuana
1495 treatment center.

1496 (b) Submit a completed application accompanied by an
1497 application fee, as established by department rule.

1498 (c) Submit proof of an accreditation or a certification
1499 approved by the department issued by an accreditation or a
1500 certification organization approved by the department. The



1501 department shall adopt by rule a list of approved laboratory
1502 accreditations or certifications and accreditation or
1503 certification organizations.

1504 (d) Require all owners and managers to submit to and pass
1505 a level 2 background screening pursuant to s. 435.04 and shall
1506 deny certification if the person or entity has been found guilty
1507 of, or has entered a plea of guilty or nolo contendere to,
1508 regardless of adjudication, any offense listed in chapter 837,
1509 chapter 895, or chapter 896 or similar law of another
1510 jurisdiction.

1511 1. Such owners and managers must submit a full set of
1512 fingerprints to the department or to a vendor, entity, or agency
1513 authorized by s. 943.053(13). The department, vendor, entity, or
1514 agency shall forward the fingerprints to the Department of Law
1515 Enforcement for state processing, and the Department of Law
1516 Enforcement shall forward the fingerprints to the Federal Bureau
1517 of Investigation for national processing.

1518 2. Fees for state and federal fingerprint processing and
1519 retention shall be borne by such owners or managers. The state
1520 cost for fingerprint processing shall be as provided in s.
1521 943.053(3)(e) for records provided to persons or entities other
1522 than those specified as exceptions therein.

1523 3. Fingerprints submitted to the Department of Law
1524 Enforcement pursuant to this paragraph shall be retained by the
1525 Department of Law Enforcement as provided in s. 943.05(2)(g) and



1526 (h) and, when the Department of Law Enforcement begins
1527 participation in the program, enrolled in the Federal Bureau of
1528 Investigation's national retained print arrest notification
1529 program. Any arrest record identified shall be reported to the
1530 department.

1531 (e) Demonstrate to the department the capability of
1532 meeting the standards for certification required by this
1533 subsection, and the testing requirements of s. 381.986 and this
1534 section and rules adopted thereunder.

1535 (2) The department shall adopt rules pursuant to ss.
1536 120.536(1) and 120.54 establishing a procedure for initial
1537 certification and biennial renewal, including initial
1538 application and biennial renewal fees sufficient to cover the
1539 costs of administering this certification program. The
1540 department shall renew the certification biennially if the
1541 laboratory meets the requirements of this section and pays the
1542 biennial renewal fee.

1543 (3) The department shall adopt rules pursuant to ss.
1544 120.536(1) and 120.54 establishing the standards for
1545 certification of marijuana testing laboratories under this
1546 section. The Department of Agriculture and Consumer Services and
1547 the Department of Environmental Protection shall assist the
1548 department in developing the rule, which must include, but is
1549 not limited to:

1550 (a) Security standards.



- 1551 (b) Minimum standards for personnel.
- 1552 (c) Sample collection method and process standards.
- 1553 (d) Proficiency testing for tetrahydrocannabinol potency,
1554 concentration of cannabidiol, and contaminants unsafe for human
1555 consumption, as determined by department rule.
- 1556 (e) Reporting content, format, and frequency.
- 1557 (f) Audits and onsite inspections.
- 1558 (g) Quality assurance.
- 1559 (h) Equipment and methodology.
- 1560 (i) Chain of custody.
- 1561 (j) Any other standard the department deems necessary to
1562 ensure the health and safety of the public.
- 1563 (4) A marijuana testing laboratory may acquire marijuana
1564 only from a medical marijuana treatment center. A marijuana
1565 testing laboratory is prohibited from selling, distributing, or
1566 transferring marijuana received from a marijuana treatment
1567 center, except that a marijuana testing laboratory may transfer
1568 a sample to another marijuana testing laboratory in this state.
- 1569 (5) A marijuana testing laboratory must properly dispose
1570 of all samples it receives, unless transferred to another
1571 marijuana testing laboratory, after all necessary tests have
1572 been conducted and any required period of storage has elapsed,
1573 as established by department rule.
- 1574 (6) A marijuana testing laboratory shall use the computer
1575 software tracking system selected by the department under s.



1576 | 381.986.

1577 | (7) The following acts constitute grounds for which
1578 | disciplinary action specified in subsection (8) may be taken
1579 | against a certified marijuana testing laboratory:

1580 | (a) Permitting unauthorized persons to perform technical
1581 | procedures or issue reports.

1582 | (b) Demonstrating incompetence or making consistent errors
1583 | in the performance of testing or erroneous reporting.

1584 | (c) Performing a test and rendering a report thereon to a
1585 | person or entity not authorized by law to receive such services.

1586 | (d) Failing to file any report required under this section
1587 | or s. 381.986 or the rules adopted thereunder.

1588 | (e) Reporting a test result if the test was not performed.

1589 | (f) Failing to correct deficiencies within the time
1590 | required by the department.

1591 | (g) Violating or aiding and abetting in the violation of
1592 | any provision of s. 381.986 or this section or any rules adopted
1593 | thereunder.

1594 | (8) The department may refuse to issue or renew, or may
1595 | suspend or revoke, the certification of a marijuana testing
1596 | laboratory that is found to be in violation of this section or
1597 | any rules adopted hereunder. The department may impose fines for
1598 | violations of this section or rules adopted thereunder, based on
1599 | a schedule adopted in rule. In determining the administrative
1600 | action to be imposed for a violation, the department must



1601 consider the following factors:

1602 (a) The severity of the violation, including the
1603 probability of death or serious harm to the health or safety of
1604 any person that may result or has resulted; the severity or
1605 potential harm; and the extent to which the provisions of s.
1606 381.986 or this section were violated.

1607 (b) The actions taken by the marijuana testing laboratory
1608 to correct the violation or to remedy the complaint.

1609 (c) Any previous violation by the marijuana testing
1610 laboratory.

1611 (d) The financial benefit to the marijuana testing
1612 laboratory of committing or continuing the violation.

1613 (9) The department may adopt rules pursuant to ss.
1614 120.536(1) and 120.54 to implement this section.

1615 Section 6. Section 381.989, Florida Statutes, is created
1616 to read:

1617 381.989 Public education campaigns.—

1618 (1) DEFINITIONS.—As used in this section, the term:

1619 (a) "Cannabis" has the same meaning as in s. 893.02.

1620 (b) "Department" means the Department of Health.

1621 (c) "Marijuana" has the same meaning as in s. 381.986.

1622 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1623 USE PREVENTION CAMPAIGN.—

1624 (a) The department shall implement a statewide cannabis
1625 and marijuana education and illicit use prevention campaign to



1626 publicize accurate information regarding:

1627 1. The short-term and long-term health effects of cannabis
1628 and marijuana use, particularly on minors and young adults.

1629 2. The legal requirements for licit use and possession of
1630 marijuana in this state.

1631 3. Safe use of marijuana, including preventing access by
1632 persons other than qualified patients as defined in s. 381.986,
1633 particularly children.

1634 4. Other cannabis-related and marijuana-related education
1635 determined by the department to be necessary to the public
1636 health and safety.

1637 (b) The department may use television messaging, radio
1638 broadcasts, print media, digital strategies, social media, and
1639 any other form of messaging deemed necessary and appropriate by
1640 the department to implement the campaign. The department may
1641 work with school districts, community organizations, and
1642 businesses and business organizations and other entities to
1643 provide training and programming.

1644 (c) The department may contract with one or more vendors
1645 to implement the campaign.

1646 (d) The department shall contract with an independent
1647 entity to conduct annual evaluations of the campaign. The
1648 evaluations shall assess the reach and impact of the campaign,
1649 success in educating the citizens of the state regarding the
1650 legal parameters for marijuana use, success in preventing



1651 illicit access by adults and youth, and success in preventing
1652 negative health impacts from the legalization of marijuana. The
1653 first year of the program, the evaluator shall conduct surveys
1654 to establish baseline data on youth and adult cannabis use, the
1655 attitudes of youth and the general public toward cannabis and
1656 marijuana, and any other data deemed necessary for long-term
1657 analysis. By January 31 of each year, the department shall
1658 submit to the Governor, the President of the Senate, and the
1659 Speaker of the House of Representatives the annual evaluation of
1660 the campaign.

1661 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1662 (a) The Department of Highway Safety and Motor Vehicles
1663 shall implement a statewide impaired driving education campaign
1664 to raise awareness and prevent marijuana-related and cannabis-
1665 related impaired driving and may contract with one or more
1666 vendors to implement the campaign. The Department of Highway
1667 Safety and Motor Vehicles may use television messaging, radio
1668 broadcasts, print media, digital strategies, social media, and
1669 any other form of messaging deemed necessary and appropriate by
1670 the department to implement the campaign.

1671 (b) At a minimum, the Department of Highway Safety and
1672 Motor Vehicles or a contracted vendor shall establish baseline
1673 data on the number of marijuana-related citations for driving
1674 under the influence, marijuana-related traffic arrests,
1675 marijuana-related traffic accidents, and marijuana-related



1676 traffic fatalities, and shall track these measures annually
1677 thereafter. The Department of Highway Safety and Motor Vehicles
1678 or a contracted vendor shall annually evaluate and compile a
1679 report on the efficacy of the campaign based on those measures
1680 and other measures established by the Department of Highway
1681 Safety and Motor Vehicles. By January 31 of each year, the
1682 Department of Highway Safety and Motor Vehicles shall submit the
1683 report on the evaluation of the campaign to the Governor, the
1684 President of the Senate, and the Speaker of the House of
1685 Representatives.

1686 Section 7. Subsection (1) of section 385.211, Florida
1687 Statutes, is amended to read:

1688 385.211 Refractory and intractable epilepsy treatment and
1689 research at recognized medical centers.—

1690 (1) As used in this section, the term "low-THC cannabis"
1691 means "low-THC cannabis" as defined in s. 381.986 that is
1692 dispensed only from a dispensing organization as defined in
1693 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1694 treatment center as defined in s. 381.986.

1695 Section 8. Paragraphs (b) through (e) of subsection (2) of
1696 section 499.0295, Florida Statutes, are redesignated as
1697 paragraphs (a) through (d), respectively, and present paragraphs
1698 (a) and (c) of that subsection, and subsection (3) of that
1699 section are amended to read:

1700 499.0295 Experimental treatments for terminal conditions.—



1701 (2) As used in this section, the term:

1702 ~~(a) "Dispensing organization" means an organization~~

1703 ~~approved by the Department of Health under s. 381.986(5) to~~

1704 ~~cultivate, process, transport, and dispense low-THC cannabis,~~

1705 ~~medical cannabis, and cannabis delivery devices.~~

1706 (b) ~~(c)~~ "Investigational drug, biological product, or

1707 device" means:

1708 ~~1.~~ a drug, biological product, or device that has

1709 successfully completed phase 1 of a clinical trial but has not

1710 been approved for general use by the United States Food and Drug

1711 Administration and remains under investigation in a clinical

1712 trial approved by the United States Food and Drug

1713 Administration; ~~or~~

1714 ~~2. Medical cannabis that is manufactured and sold by a~~

1715 ~~dispensing organization.~~

1716 (3) Upon the request of an eligible patient, a

1717 manufacturer may, ~~or upon a physician's order pursuant to s.~~

1718 ~~381.986, a dispensing organization may:~~

1719 (a) Make its investigational drug, biological product, or

1720 device available under this section.

1721 (b) Provide an investigational drug, biological product,

1722 or ~~device, or cannabis delivery device as defined in s. 381.986~~

1723 ~~to an eligible patient without receiving compensation.~~

1724 (c) Require an eligible patient to pay the costs of, or

1725 the costs associated with, the manufacture of the



1726 | investigational drug, biological product, or device, ~~or cannabis~~
1727 | ~~delivery device as defined in s. 381.986.~~

1728 | Section 9. Subsection (3) of section 893.02, Florida
1729 | Statutes, is amended to read:

1730 | 893.02 Definitions.—The following words and phrases as
1731 | used in this chapter shall have the following meanings, unless
1732 | the context otherwise requires:

1733 | (3) "Cannabis" means all parts of any plant of the genus
1734 | Cannabis, whether growing or not; the seeds thereof; the resin
1735 | extracted from any part of the plant; and every compound,
1736 | manufacture, salt, derivative, mixture, or preparation of the
1737 | plant or its seeds or resin. The term does not include
1738 | "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1739 | manufactured, possessed, sold, purchased, delivered,
1740 | distributed, or dispensed, in conformance with s. 381.986.

1741 | Section 10. Section 1004.4351, Florida Statutes, is created
1742 | to read:

1743 | 1004.4351 Medical marijuana research and education.—

1744 | (1) SHORT TITLE.—This section shall be known and may be
1745 | cited as the "Medical Marijuana Research and Education Act."

1746 | (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1747 | (a) The present state of knowledge concerning the use of
1748 | marijuana to alleviate pain and treat illnesses is limited
1749 | because permission to perform clinical studies on marijuana is
1750 | difficult to obtain, with access to research-grade marijuana so



1751 restricted that little or no unbiased studies have been
1752 performed.

1753 (b) Under the State Constitution, marijuana is available
1754 for the treatment of certain debilitating medical conditions.

1755 (c) Additional clinical studies are needed to ensure that
1756 the residents of this state obtain the correct dosing,
1757 formulation, route, modality, frequency, quantity, and quality
1758 of marijuana for specific illnesses.

1759 (d) An effective medical marijuana research and education
1760 program would mobilize the scientific, educational, and medical
1761 resources that presently exist in this state to determine the
1762 appropriate and best use of marijuana to treat illness.

1763 (3) DEFINITIONS.—As used in this section, the term:

1764 (a) "Board" means the Medical Marijuana Research and
1765 Education Board.

1766 (b) "Coalition" means the Coalition for Medical Marijuana
1767 Research and Education.

1768 (c) "Marijuana" has the same meaning as provided in s. 29,
1769 Art. X of the State Constitution.

1770 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1771 EDUCATION.—

1772 (a) There is established within the H. Lee Moffitt Cancer
1773 Center and Research Institute, Inc., the Coalition for Medical
1774 Marijuana Research and Education. The purpose of the coalition
1775 is to conduct rigorous scientific research, provide education,



1776 disseminate research, and guide policy for the adoption of a
1777 statewide policy on ordering and dosing practices for the
1778 medical use of marijuana. The coalition shall be physically
1779 located at the H. Lee Moffitt Cancer Center and Research
1780 Institute, Inc.

1781 (b) The Medical Marijuana Research and Education Board is
1782 established to direct the operations of the coalition. The board
1783 shall be composed of seven members appointed by the chief
1784 executive officer of the H. Lee Moffitt Cancer Center and
1785 Research Institute, Inc. Board members must have experience in a
1786 variety of scientific and medical fields, including, but not
1787 limited to, oncology, neurology, psychology, pediatrics,
1788 nutrition, and addiction. Members shall be appointed to 4-year
1789 terms and may be reappointed to serve additional terms. The
1790 chair shall be elected by the board from among its members to
1791 serve a 2-year term. The board shall meet no less than
1792 semiannually at the call of the chair or, in his or her absence
1793 or incapacity, the vice chair. Four members constitute a quorum.
1794 A majority vote of the members present is required for all
1795 actions of the board. The board may prescribe, amend, and repeal
1796 a charter governing the manner in which it conducts its
1797 business. A board member shall serve without compensation but is
1798 entitled to be reimbursed for travel expenses by the coalition
1799 or the organization he or she represents in accordance with s.
1800 112.061.



1801 (c) The coalition shall be administered by a coalition
1802 director, who shall be appointed by and serve at the pleasure of
1803 the board. The coalition director shall, subject to the approval
1804 of the board:

1805 1. Propose a budget for the coalition.

1806 2. Foster the collaboration of scientists, researchers,
1807 and other appropriate personnel in accordance with the
1808 coalition's charter.

1809 3. Identify and prioritize the research to be conducted by
1810 the coalition.

1811 4. Prepare the Medical Marijuana Research and Education
1812 Plan for submission to the board.

1813 5. Apply for grants to obtain funding for research
1814 conducted by the coalition.

1815 6. Perform other duties as determined by the board.

1816 (d) The board shall advise the Board of Governors, the
1817 State Surgeon General, the Governor, and the Legislature with
1818 respect to medical marijuana research and education in this
1819 state. The board shall explore methods of implementing and
1820 enforcing medical marijuana laws in relation to cancer control,
1821 research, treatment, and education.

1822 (e) The board shall annually adopt a plan for medical
1823 marijuana research, known as the "Medical Marijuana Research and
1824 Education Plan," which must be in accordance with state law and
1825 coordinate with existing programs in this state. The plan must



1826 include recommendations for the coordination and integration of
1827 medical, nursing, paramedical, community, and other resources
1828 connected with the treatment of debilitating medical conditions;
1829 research related to the treatment of such medical conditions;
1830 and education.

1831 (f) By February 15 of each year, the board shall issue a
1832 report to the Governor, the President of the Senate, and the
1833 Speaker of the House of Representatives on research projects,
1834 community outreach initiatives, and future plans for the
1835 coalition.

1836 (g) Beginning January 15, 2018, and quarterly thereafter,
1837 the Department of Health shall submit to the board a data set
1838 that includes, for each patient registered in the medical
1839 marijuana use registry, the patient's qualifying medical
1840 condition and the daily dose amount and forms of marijuana
1841 certified for the patient.

1842 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
1843 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
1844 and Research Institute, Inc., shall allocate staff and provide
1845 information and assistance, as the coalition's budget permits,
1846 to assist the board in fulfilling its responsibilities.

1847 Section 11. Subsection (1) of section 1004.441, Florida
1848 Statutes, is amended to read:

1849 1004.441 Refractory and intractable epilepsy treatment and
1850 research.—



1851 (1) As used in this section, the term "low-THC cannabis"
1852 means "low-THC cannabis" as defined in s. 381.986 that is
1853 dispensed only from a dispensing organization as defined in
1854 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1855 treatment center as defined in s. 381.986.

1856 Section 12. Subsection (8) is added to section 1006.062,
1857 Florida Statutes, to read:

1858 1006.062 Administration of medication and provision of
1859 medical services by district school board personnel.—

1860 (8) Each district school board shall adopt a policy and a
1861 procedure for allowing a student who is a qualified patient, as
1862 defined in s. 381.986, to use marijuana obtained pursuant to
1863 that section. Such policy and procedure shall ensure access by
1864 the qualified patient; identify how the marijuana will be
1865 received, accounted for, and stored; and establish processes to
1866 prevent access by other students and school personnel
1867 unnecessary to the implementation of the policy.

1868 Section 13. Department of Health; authority to adopt
1869 rules; cause of action.—

1870 (1) EMERGENCY RULEMAKING.—

1871 (a) The Department of Health and the applicable boards
1872 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1873 Statutes, and this section necessary to implement ss. 381.986
1874 and 381.988, Florida Statutes. If an emergency rule adopted
1875 under this section is held to be unconstitutional or an invalid



1876 exercise of delegated legislative authority, and becomes void,
1877 the department or the applicable boards may adopt an emergency
1878 rule pursuant to this section to replace the rule that has
1879 become void. If the emergency rule adopted to replace the void
1880 emergency rule is also held to be unconstitutional or an invalid
1881 exercise of delegated legislative authority and becomes void,
1882 the department and the applicable boards must follow the
1883 nonemergency rulemaking procedures of the Administrative
1884 Procedures Act to replace the rule that has become void.

1885 (b) For emergency rules adopted under this section, the
1886 department and the applicable boards need not make the findings
1887 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1888 adopted under this section are exempt from ss. 120.54(3)(b) and
1889 120.541, Florida Statutes. The department and the applicable
1890 boards shall meet the procedural requirements in s. 120.54(a),
1891 Florida Statutes, if the department or the applicable boards
1892 have, prior to the effective date of this act, held any public
1893 workshops or hearings on the subject matter of the emergency
1894 rules adopted under this subsection. Challenges to emergency
1895 rules adopted under this subsection shall be subject to the time
1896 schedules provided in s. 120.56(5), Florida Statutes.

1897 (c) Emergency rules adopted under this section are exempt
1898 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1899 effect until replaced by rules adopted under the nonemergency
1900 rulemaking procedures of the Administrative Procedures Act. By



1901 January 1, 2018, the department and the applicable boards shall
1902 initiate nonemergency rulemaking pursuant to the Administrative
1903 Procedures Act to replace all emergency rules adopted under this
1904 section by publishing a notice of rule development in the
1905 Florida Administrative Register. Except as provided in paragraph
1906 (a), after January 1, 2018, the department and applicable boards
1907 may not adopt rules pursuant to the emergency rulemaking
1908 procedures provided in this section.

1909 (2) CAUSE OF ACTION.—

1910 (a) As used in s. 29(d)(3), Art. X of the State
1911 Constitution, the term:

1912 1. "Issue regulations" means the filing by the department
1913 of a rule or emergency rule for adoption with the Department of
1914 State.

1915 2. "Judicial relief" means an action for declaratory
1916 judgment pursuant to chapter 86, Florida Statutes.

1917 (b) The venue for actions brought against the department
1918 pursuant to s. 29(d)(3), Art. X of the State Constitution shall
1919 be in the circuit court in and for Leon County.

1920 (c) If the department is not issuing patient and caregiver
1921 identification cards or licensing medical marijuana treatment
1922 centers by October 3, 2017, the following shall be a defense to
1923 a cause of action brought under s. 29(d)(3), Art. X of the State
1924 Constitution:

1925 1. The department is unable to issue patient and caregiver



1926 identification cards or license medical marijuana treatment
1927 centers due to litigation challenging a rule as an invalid
1928 exercise of delegated legislative authority or unconstitutional.

1929 2. The department is unable to issue patient or caregiver
1930 identification cards or license medical marijuana treatment
1931 centers due to a rule being held as an invalid exercise of
1932 delegated legislative authority or unconstitutional.

1933 Section 14. Department of Law Enforcement; training
1934 related to medical use of marijuana.-The Department of Law
1935 Enforcement shall develop a 4-hour online initial training
1936 course, and a 2-hour online continuing education course, which
1937 shall be made available for use by all law enforcement agencies
1938 in this state. Such training shall cover the legal parameters of
1939 marijuana-related activities governed by ss. 381.986 and
1940 381.988, Florida Statutes, relating to criminal laws governing
1941 marijuana.

1942 Section 15. Section 385.212, Florida Statutes, is amended
1943 to read:

1944 385.212 Powers and duties of the Department of Health;
1945 Office of Medical Marijuana ~~Compassionate~~ Use.-

1946 (1) The Department of Health shall establish an Office of
1947 Medical Marijuana ~~Compassionate~~ Use under the direction of the
1948 Deputy State Health Officer.

1949 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
1950 enhance access to investigational new drugs for Florida patients



1951 through approved clinical treatment plans or studies. The Office
 1952 of Medical Marijuana ~~Compassionate~~ Use may:

1953 (a) Create a network of state universities and medical
 1954 centers recognized pursuant to s. 381.925.

1955 (b) Make any necessary application to the United States
 1956 Food and Drug Administration or a pharmaceutical manufacturer to
 1957 facilitate enhanced access to medical ~~compassionate~~ use of
 1958 marijuana for Florida patients.

1959 (c) Enter into any agreements necessary to facilitate
 1960 enhanced access to medical ~~compassionate~~ use of marijuana for
 1961 Florida patients.

1962 (3) The department may adopt rules necessary to implement
 1963 this section.

1964 (4) The Office of Medical Marijuana Use shall administer
 1965 and enforce the provisions of s. 381.986.

1966 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
 1967 time equivalent positions, with associated salary rate of
 1968 2,198,860, are authorized and the sums of \$3.5 million in
 1969 nonrecurring funds from the General Revenue Fund and \$4,055,292
 1970 in recurring funds and \$1,238,148 in nonrecurring funds from the
 1971 Grants and Donations Trust Fund are appropriated to the
 1972 Department of Health for the purpose of implementing the
 1973 requirements of this act. Of the funds appropriated, \$3,158,572
 1974 in recurring funds and \$1,238,148 in nonrecurring funds from the
 1975 Grants and Donations Trust Fund and 27 full-time equivalent



1976 | positions shall be placed in reserve. The Department of Health
1977 | is authorized to submit budget amendments requesting the release
1978 | of funds being held in reserve pursuant to chapter 216, Florida
1979 | Statutes contingent upon need and demonstration of fee
1980 | collections to support the budget authority.

1981 | (2) For the 2017-2018 fiscal year, the sum of \$10 million
1982 | in nonrecurring funds from the General Revenue Fund is
1983 | appropriated to the Department of Health to implement the
1984 | statewide cannabis and marijuana education and illicit use
1985 | prevention campaign established under s. 381.989, Florida
1986 | Statutes.

1987 | (3) For the 2017-2018 fiscal year, the sum of \$5 million
1988 | in nonrecurring funds from the Highway Safety Operating Trust
1989 | Fund are appropriated to the Department of Highway Safety and
1990 | Motor Vehicles to implement the statewide impaired driving
1991 | education campaign established under s. 381.989, Florida
1992 | Statutes.

1993 | (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
1994 | recurring funds from the Highway Safety Operating Trust Fund is
1995 | appropriated to the Department of Highway Safety and Motor
1996 | Vehicles for the purpose of training additional law enforcement
1997 | officers as drug recognition experts.

1998 | Section 17. This act shall take effect upon becoming a
1999 | law.

2000