



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 suspend or revoke the  
31 registration of a patient or caregiver under certain  
32 circumstances; providing requirements for the issuance  
33 of medical marijuana use registry identification  
34 cards; requiring the department to issue licenses to a  
35 certain number of medical marijuana treatment centers;  
36 providing for license renewal and revocation;  
37 providing conditions for change of ownership;  
38 providing for continuance of certain entities  
39 authorized to dispense low-THC cannabis, medical  
40 cannabis, and cannabis delivery devices; requiring a  
41 medical marijuana treatment center to comply with  
42 certain standards in the production and distribution  
43 of edibles; requiring the department to establish,  
44 maintain, and control a computer seed-to-sale  
45 marijuana tracking system; requiring background  
46 screening of owners, officers, board members, and  
47 managers of medical marijuana treatment centers;  
48 requiring the department to establish protocols and  
49 procedures for operation, conduct periodic  
50 inspections, and restrict location of medical



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



76 | of Environmental Protection, to develop certification  
77 | standards and rules; providing limitations on the  
78 | acquisition and distribution of marijuana by a testing  
79 | laboratory; providing an exception for transfer of  
80 | marijuana under certain conditions; requiring a  
81 | testing laboratory to use a department-selected  
82 | computer tracking system; providing grounds for  
83 | disciplinary and administrative action; authorizing  
84 | the department to refuse to issue or renew, or suspend  
85 | or revoke, a testing laboratory license; creating s.  
86 | 381.989, F.S.; defining terms; directing the  
87 | department and the Department of Highway Safety and  
88 | Motor Vehicles to institute public education campaigns  
89 | relating to cannabis and marijuana and impaired  
90 | driving; requiring evaluations of public education  
91 | campaigns; authorizing the department and the  
92 | Department of Highway Safety and Motor Vehicles to  
93 | contract with vendors to implement and evaluate the  
94 | campaigns; amending ss. 385.211, 499.0295, and 893.02,  
95 | F.S.; conforming provisions to changes made by the  
96 | act; creating s. 1004.4351, F.S.; providing a short  
97 | title; providing legislative findings; defining terms;  
98 | establishing the Coalition for Medical Marijuana  
99 | Research and Education within the H. Lee Moffitt  
100 | Cancer Center and Research Institute, Inc.; providing



101 a purpose for the coalition; establishing the Medical  
102 Marijuana Research and Education Board to direct the  
103 operations of the coalition; providing for the  
104 appointment of board members; providing for terms of  
105 office, reimbursement for certain expenses, and  
106 meetings of the board; authorizing the board to  
107 appoint a coalition director; prescribing the duties  
108 of the coalition director; requiring the board to  
109 advise specified entities and officials regarding  
110 medical marijuana research and education in this  
111 state; requiring the board to annually adopt a Medical  
112 Marijuana Research and Education Plan; providing  
113 requirements for the plan; requiring the board to  
114 issue an annual report to the Governor and the  
115 Legislature by a specified date; requiring the  
116 Department of Health to submit reports to the board  
117 containing specified data; specifying responsibilities  
118 of the H. Lee Moffitt Cancer Center and Research  
119 Institute, Inc.; amending s. 1004.441, F.S.; revising  
120 a definition; amending s. 1006.062, F.S.; requiring  
121 district school boards to adopt policies and  
122 procedures for access to medical marijuana by  
123 qualified patients who are students; providing  
124 emergency rulemaking authority; providing for venue  
125 for a cause of action against the department;



126 providing for defense against certain causes of  
127 action; directing the Department of Law Enforcement to  
128 develop training for law enforcement officers and  
129 agencies; amending s. 385.212, F.S.; renaming the  
130 department's Office of Compassionate Use; providing  
131 appropriations; providing an effective date.

132

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

134

135 Section 1. Paragraph (1) of subsection (2) of section  
136 212.08, Florida Statutes, is redesignated as paragraph (m), and  
137 a new paragraph (1) is added to that subsection, to read:

138 212.08 Sales, rental, use, consumption, distribution, and  
139 storage tax; specified exemptions.—The sale at retail, the  
140 rental, the use, the consumption, the distribution, and the  
141 storage to be used or consumed in this state of the following  
142 are hereby specifically exempt from the tax imposed by this  
143 chapter.

144 (2) EXEMPTIONS; MEDICAL.—

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

148 Section 2. Section 381.986, Florida Statutes, is amended  
149 to read:

150 (Substantial rewording of section. See



151 s. 381.986, F.S., for present text.)  
152 381.986 Medical use of marijuana.—  
153 (1) DEFINITIONS.—As used in this section, the term:  
154 (a) "Caregiver" means a resident of this state who has  
155 agreed to assist with a qualified patient's medical use of  
156 marijuana, has a caregiver identification card, and meets the  
157 requirements of subsection (6).  
158 (b) "Chronic nonmalignant pain" means pain that is caused  
159 by a qualifying medical condition or that originates from a  
160 qualifying medical condition and persists beyond the usual  
161 course of that qualifying medical condition.  
162 (c) "Close relative" means a spouse, parent, sibling,  
163 grandparent, child, or grandchild, whether related by whole or  
164 half blood, by marriage, or by adoption.  
165 (d) "Edibles" means commercially produced food items made  
166 with marijuana oil, but no other form of marijuana, that are  
167 produced and dispensed by a medical marijuana treatment center.  
168 (e) "Low-THC cannabis" means a plant of the genus  
169 Cannabis, the dried flowers of which contain 0.8 percent or less  
170 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
171 weight for weight; the seeds thereof; the resin extracted from  
172 any part of such plant; or any compound, manufacture, salt,  
173 derivative, mixture, or preparation of such plant or its seeds  
174 or resin that is dispensed from a medical marijuana treatment  
175 center.



176        (f) "Marijuana" means all parts of any plant of the genus  
177 Cannabis, whether growing or not; the seeds thereof; the resin  
178 extracted from any part of the plant; and every compound,  
179 manufacture, salt, derivative, mixture, or preparation of the  
180 plant or its seeds or resin, including low-THC cannabis, which  
181 are dispensed from a medical marijuana treatment center for  
182 medical use by a qualified patient.

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

188        (h) "Marijuana testing laboratory" means a facility that  
189 collects and analyzes marijuana samples from a medical marijuana  
190 treatment center and has been certified by the department  
191 pursuant to s. 381.988.

192        (i) "Medical director" means a person who holds an active,  
193 unrestricted license as an allopathic physician under chapter  
194 458 or osteopathic physician under chapter 459 and is in  
195 compliance with the requirements of paragraph (3)(c).

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

199            1. Possession, use, or administration of marijuana that  
200 was not purchased or acquired from a medical marijuana treatment



201 center.

202 2. Possession, use, or administration of marijuana in a  
203 form for smoking, in the form of commercially produced food  
204 items other than edibles, or of marijuana seeds or flower,  
205 except for flower in a sealed receptacle for vaping.

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

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

212 5. Use or administration of marijuana in the following  
213 locations:

214 a. On any form of public transportation, except for low-  
215 THC cannabis.

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

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

219 d. In a state correctional institution, as defined in s.  
220 944.02, or a correctional institution, as defined in s. 944.241.

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

223 f. In a school bus, a vehicle, an aircraft, or a  
224 motorboat, except for low-THC cannabis.

225 (k) "Physician certification" means a qualified



226 physician's authorization for a qualified patient to receive  
227 marijuana and a marijuana delivery device from a medical  
228 marijuana treatment center.

229 (l) "Qualified patient" means a resident of this state who  
230 has been added to the medical marijuana use registry by a  
231 qualified physician to receive marijuana or a marijuana delivery  
232 device for a medical use and who has a qualified patient  
233 identification card.

234 (m) "Qualified physician" means a person who holds an  
235 active, unrestricted license as an allopathic physician under  
236 chapter 458 or as an osteopathic physician under chapter 459 and  
237 is in compliance with the physician education requirements of  
238 subsection (3).

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

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

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

250 (a) Cancer.



251        (b) Epilepsy.  
252        (c) Glaucoma.  
253        (d) Positive status for human immunodeficiency virus.  
254        (e) Acquired immune deficiency syndrome.  
255        (f) Post-traumatic stress disorder.  
256        (g) Amyotrophic lateral sclerosis.  
257        (h) Crohn's disease.  
258        (i) Parkinson's disease.  
259        (j) Multiple sclerosis.  
260        (k) Medical conditions of the same kind or class as or  
261 comparable to those enumerated in paragraphs (a)-(j).  
262        (l) A terminal condition diagnosed by a physician other  
263 than the qualified physician issuing the physician  
264 certification.  
265        (m) Chronic nonmalignant pain.  
266        (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—  
267        (a) To be approved as a qualified physician, as defined in  
268 paragraph (1) (m), a physician must successfully complete a 2-  
269 hour course and subsequent examination offered by the Florida  
270 Medical Association or the Florida Osteopathic Medical  
271 Association which encompass the requirements of this section and  
272 any rules adopted hereunder. The course and examination shall be  
273 administered at least annually and may be offered in a distance  
274 learning format, including an electronic, online format that is  
275 available upon request. The price of the course may not exceed



276 \$500. A physician who has met the physician education  
277 requirements of former s. 381.986(4), Florida Statutes 2016,  
278 before the effective date of this section, shall be deemed to be  
279 in compliance with this paragraph from the effective date of  
280 this act until 90 days after the course and examination required  
281 by this paragraph become available.

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

285 (c) A medical director as defined in paragraph (1)(i) must  
286 successfully complete a 2-hour course and subsequent examination  
287 offered by the Florida Medical Association or the Florida  
288 Osteopathic Medical Association which encompass the requirements  
289 of this section and any rules adopted hereunder. The course and  
290 examination shall be administered at least annually and may be  
291 offered in a distance learning format, including an electronic,  
292 online format that is available upon request. The price of the  
293 course may not exceed \$500.

294 (4) PHYSICIAN CERTIFICATION.—

295 (a) A qualified physician may issue a physician  
296 certification only if the qualified physician:

297 1. Conducted a physical examination while physically  
298 present in the same room as the patient and a full assessment of  
299 the medical history of the patient.

300 2. Diagnosed the patient with at least one qualifying



301 medical condition.

302 3. Determined that the medical use of marijuana would  
303 likely outweigh the potential health risks for the patient, and  
304 such determination must be documented in the patient's medical  
305 record. If a patient is younger than 18 years of age, a second  
306 physician must concur with this determination, and such  
307 concurrence must be documented in the patient's medical record.

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

312 5. Reviewed the patient's controlled drug prescription  
313 history in the prescription drug monitoring program database  
314 established pursuant to s. 893.055.

315 6. Reviewed the medical marijuana use registry and  
316 confirmed that the patient does not have an active physician  
317 certification from another qualified physician.

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

322 a. Enters into the registry the contents of the physician  
323 certification, including the patient's qualifying condition and  
324 the dosage not to exceed the daily dose amount determined by the  
325 department, the amount and forms of marijuana authorized for the



326 patient, and any types of marijuana delivery devices needed by  
327 the patient for the medical use of marijuana.

328 b. Updates the registry within 7 days after any change is  
329 made to the original physician certification to reflect such  
330 change.

331 c. Deactivates the registration of the qualified patient  
332 and the patient's caregiver when the physician no longer  
333 recommends the medical use of marijuana for the patient.

334 8. Obtains the voluntary and informed written consent of  
335 the patient for medical use of marijuana each time the qualified  
336 physician issues a physician certification for the patient,  
337 which shall be maintained in the patient's medical record. The  
338 patient, or the patient's parent or legal guardian if the  
339 patient is a minor, must sign the informed consent acknowledging  
340 that the qualified physician has sufficiently explained its  
341 content. The qualified physician must use a standardized  
342 informed consent form adopted in rule by the Board of Medicine  
343 and the Board of Osteopathic Medicine, which must include, at a  
344 minimum, information related to:

345 a. The Federal Government's classification of marijuana as  
346 a Schedule I controlled substance.

347 b. The approval and oversight status of marijuana by the  
348 Food and Drug Administration.

349 c. The current state of research on the efficacy of  
350 marijuana to treat the qualifying conditions set forth in this



351 section.

352 d. The potential for addiction.

353 e. The potential effect that marijuana may have on a  
354 patient's coordination, motor skills, and cognition, including a  
355 warning against operating heavy machinery, operating a motor  
356 vehicle, or engaging in activities that require a person to be  
357 alert or respond quickly.

358 f. The potential side effects of marijuana use.

359 g. The risks, benefits, and drug interactions of  
360 marijuana.

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

364 (b) If a qualified physician issues a physician  
365 certification for a qualified patient diagnosed with a  
366 qualifying medical condition pursuant to paragraph (2)(k), the  
367 physician must submit the following to the applicable board  
368 within 14 days after issuing the physician certification:

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

372 2. Documentation that establishes the efficacy of  
373 marijuana as treatment for the condition.

374 3. Documentation supporting the qualified physician's  
375 opinion that the benefits of medical use of marijuana would



376 likely outweigh the potential health risks for the patient.

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

378

379 The department must submit such documentation to the Coalition

380 for Medical Marijuana Research and Education established

381 pursuant to s. 1004.4351.

382 (c) A qualified physician may not issue a physician

383 certification for more than three 70-day supply limits of

384 marijuana. The department shall quantify by rule a daily dose

385 amount with equivalent dose amounts for each allowable form of

386 marijuana dispensed by a medical marijuana treatment center. The

387 department shall use the daily dose amount to calculate a 70-day

388 supply.

389 1. A qualified physician may request an exception to the

390 daily dose amount limit. The request shall be made

391 electronically on a form adopted by the department in rule and

392 must include, at a minimum:

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

394 b. The dosage and route of administration that was

395 insufficient to provide relief to the qualified patient.

396 c. A description of how the patient will benefit from an

397 increased amount.

398 d. The minimum daily dose amount of marijuana that would

399 be sufficient for the treatment of the qualified patient's

400 qualifying medical condition.



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

403        3. The department shall approve or disapprove the request  
404 within 14 days after receipt of the complete documentation  
405 required by this paragraph. The request shall be deemed approved  
406 if the department fails to act within this time period.

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

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

412        2. Assess and document in the qualified patient's medical  
413 records the qualified patient's progress toward treatment  
414 objectives, tolerance of or reaction to the medical use of  
415 marijuana, and risk of aberrant drug-related behavior.

416        3. Identify and document in the qualified patient's medical  
417 records whether the qualified patient experienced either of the  
418 following related to the medical use of marijuana:

419        a. An adverse drug interaction with any prescription or  
420 nonprescription medication; or

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

422        4. Submit a report with the findings required pursuant to  
423 subparagraph 3. to the department. The department shall submit  
424 such reports to the Coalition for Medical Marijuana Research and  
425 Education established pursuant to s. 1004.4351.



426       (e) An active order for low-THC cannabis or medical  
427 cannabis issued pursuant to former s. 381.986, Florida Statutes  
428 2016, and registered with the compassionate use registry before  
429 the effective date of this section, is deemed a physician  
430 certification, and all patients possessing such orders are  
431 deemed qualified patients until the department begins issuing  
432 medical marijuana use registry identification cards.

433       (f) The department shall monitor physician registration in  
434 the medical marijuana use registry and the issuance of physician  
435 certifications for practices that could facilitate unlawful  
436 diversion or misuse of marijuana or a marijuana delivery device  
437 and shall take disciplinary action as appropriate.

438       (g) The Board of Medicine and the Board of Osteopathic  
439 Medicine shall jointly create a physician certification pattern  
440 review panel that shall review all physician certifications  
441 submitted to the medical marijuana use registry. The panel shall  
442 track and report the number of physician certifications and the  
443 qualifying medical conditions, dosage, supply amount, and form  
444 of marijuana certified. The panel shall report the data both by  
445 individual qualified physician and in the aggregate, by county,  
446 and statewide. The physician certification pattern review panel  
447 shall, beginning January 1, 2018, submit an annual report of its  
448 findings and recommendations to the Governor, the President of  
449 the Senate, and the Speaker of the House of Representatives.

450       (h) The department, the Board of Medicine, and the Board



451 of Osteopathic Medicine may adopt rules pursuant to ss.  
452 120.536(1) and 120.54 to implement this subsection.

453 (5) MEDICAL MARIJUANA USE REGISTRY.—

454 (a) The department shall create and maintain a secure,  
455 electronic, and online medical marijuana use registry for  
456 physicians, patients, and caregivers as provided under this  
457 section. The medical marijuana use registry must be accessible  
458 to law enforcement agencies, qualified physicians, and medical  
459 marijuana treatment centers to verify the authorization of a  
460 qualified patient or a caregiver to possess marijuana or a  
461 marijuana delivery device and record the marijuana or marijuana  
462 delivery device dispensed. The medical marijuana use registry  
463 must also be accessible to practitioners licensed to prescribe  
464 prescription drugs to ensure proper care for patients before  
465 medications that may interact with the medical use of marijuana  
466 are prescribed. The medical marijuana use registry must prevent  
467 an active registration of a qualified patient by multiple  
468 physicians.

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

473 1. An adult resident must provide the department with a  
474 copy of his or her valid Florida driver license issued under s.  
475 322.18 or a copy of a valid Florida identification card issued



476 under s. 322.051.

477 2. An adult seasonal resident who cannot meet the  
478 requirements of subparagraph 1. may provide the department with  
479 a copy of two of the following that show proof of residential  
480 address:

481 a. A deed, mortgage, monthly mortgage statement, mortgage  
482 payment booklet or residential rental or lease agreement.

483 b. One proof of residential address from the seasonal  
484 resident's parent, step-parent, legal guardian or other person  
485 with whom the seasonal resident resides and a statement from the  
486 person with whom the seasonal resident resides stating that the  
487 seasonal resident does reside with him or her.

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

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

491 e. Mail from a financial institution, including checking,  
492 savings, or investment account statements, not more than 2  
493 months old.

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

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

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

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



501        b. Maintains a temporary residence in this state;  
502        c. Returns to the state or jurisdiction of his or her  
503 residence at least one time during each calendar year; and  
504        d. Is registered to vote or pays income tax in another  
505 state or jurisdiction.

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

510        (c) The department may suspend or revoke the registration  
511 of a qualified patient or caregiver if the qualified patient or  
512 caregiver:

513        1. Provides misleading, incorrect, false, or fraudulent  
514 information to the department;

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

517        3. Falsifies, alters, or otherwise modifies an  
518 identification card;

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

521        5. Violates the requirements of this section or any rule  
522 adopted under this section.

523        (d) The department shall immediately suspend the  
524 registration of a qualified patient charged with a violation of  
525 chapter 893 until final disposition of any alleged offense.



526 Thereafter, the department may extend the suspension, revoke the  
527 registration, or reinstate the registration.

528 (e) The department shall immediately suspend the  
529 registration of any caregiver charged with a violation of  
530 chapter 893 until final disposition of any alleged offense. The  
531 department shall revoke a caregiver registration if the  
532 caregiver does not meet the requirements of subparagraph  
533 (6) (b) 6.

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

538 (g) The department shall revoke the registration of a  
539 qualified patient, and the patient's associated caregiver, upon  
540 notification that the patient no longer meets the criteria of a  
541 qualified patient.

542 (h) The department may adopt rules pursuant to ss.  
543 120.536(1) and 120.54 to implement this subsection.

544 (6) CAREGIVERS.—

545 (a) The department must register an individual as a  
546 caregiver on the medical marijuana use registry and issue a  
547 caregiver identification card if an individual designated by a  
548 qualified patient meets all of the requirements of this  
549 subsection and department rule.

550 (b) A caregiver must:



- 551        1. Not be a qualified physician and not be employed by or  
552 have an economic interest in a medical marijuana treatment  
553 center or a marijuana testing laboratory.
- 554        2. Be 21 years of age or older and a resident of this  
555 state.
- 556        3. Agree in writing to assist with the qualified patient's  
557 medical use of marijuana.
- 558        4. Be registered in the medical marijuana use registry as  
559 a caregiver for no more than one qualified patient, except as  
560 provided in this paragraph.
- 561        5. Successfully complete a caregiver certification course  
562 developed and administered by the department or its designee,  
563 which must be renewed biennially. The price of the course may  
564 not exceed \$100.
- 565        6. Pass a background screening pursuant to subsection (9),  
566 unless the patient is a close relative of the caregiver.
- 567        (c) A qualified patient may designate no more than one  
568 caregiver to assist with the qualified patient's medical use of  
569 marijuana, unless:
- 570            1. The qualified patient is a minor and the designated  
571 caregivers are parents or legal guardians of the qualified  
572 patient;
- 573            2. The qualified patient is an adult who has an  
574 intellectual or developmental disability that prevents the  
575 patient from being able to protect or care for himself or



576 herself without assistance or supervision and the designated  
577 caregivers are the parents or legal guardians of the qualified  
578 patient; or

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

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

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

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

590 3. All qualified patients the caregiver has agreed to  
591 assist are admitted to a hospice program and have requested the  
592 assistance of that caregiver with the medical use of marijuana;  
593 the caregiver is an employee of the hospice; and the caregiver  
594 provides personal care or other services directly to clients of  
595 the hospice in the scope of that employment.

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

599 (f) If a qualified patient is younger than 18 years of  
600 age, only a caregiver may purchase or administer marijuana for



601 medical use by the qualified patient. The qualified patient may  
602 not purchase marijuana.

603 (g) A caregiver must be in immediate possession of his or  
604 her medical marijuana use registry identification card at all  
605 times when in possession of marijuana or a marijuana delivery  
606 device and must present his or her medical marijuana use  
607 registry identification card upon the request of a law  
608 enforcement officer.

609 (h) The department may adopt rules pursuant to ss.  
610 120.536(1) and 120.54 to implement this subsection.

611 (7) IDENTIFICATION CARDS.-

612 (a) The department shall issue medical marijuana use  
613 registry identification cards for qualified patients and  
614 caregivers who are residents of this state, which must be  
615 renewed annually. The identification cards must be resistant to  
616 counterfeiting and tampering and must include, at a minimum, the  
617 following:

618 1. The name, address, and date of birth of the qualified  
619 patient or caregiver.

620 2. A full-face, passport-type, color photograph of the  
621 qualified patient or caregiver taken within the 90 days  
622 immediately preceding registration or the Florida driver license  
623 or Florida identification card photograph of the qualified  
624 patient or caregiver obtained directly from the Department of  
625 Highway Safety and Motor Vehicles.



- 626        3. Identification as a qualified patient or a caregiver.
- 627        4. The unique numeric identifier used for the qualified  
628 patient in the medical marijuana use registry.
- 629        5. For a caregiver, the name and unique numeric identifier  
630 of the caregiver and the qualified patient or patients that the  
631 caregiver is assisting.
- 632        6. The expiration date of the identification card.
- 633        (b) The department must receive written consent from a  
634 qualified patient's parent or legal guardian before it may issue  
635 an identification card to a qualified patient who is a minor.
- 636        (c) The department shall, by July 3, 2017, adopt rules  
637 pursuant to ss. 120.536(1) and 120.54 establishing procedures  
638 for the issuance, renewal, suspension, replacement, surrender,  
639 and revocation of medical marijuana use registry identification  
640 cards and shall begin issuing qualified patient identification  
641 cards by October 3, 2017.
- 642        (d) Applications for identification cards must be  
643 submitted on a form prescribed by the department. The department  
644 may charge a reasonable fee associated with the issuance,  
645 replacement, and renewal of identification cards. The department  
646 may contract with a third-party vendor to issue identification  
647 cards. The vendor selected by the department must have  
648 experience performing similar functions for other state  
649 agencies.
- 650        (e) A qualified patient or caregiver must return his or



651 her identification card to the department within 5 business days  
652 after revocation.

653 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

654 (a) The department shall license medical marijuana  
655 treatment centers to ensure reasonable statewide accessibility  
656 and availability as necessary for qualified patients registered  
657 in the medical marijuana use registry and who are issued a  
658 physician certification under this section.

659 1. The department shall license as a medical marijuana  
660 treatment center any entity that holds an active, unrestricted  
661 license to cultivate, process, transport, and dispense low-THC  
662 cannabis, medical cannabis, and cannabis delivery devices, under  
663 former s. 381.986, Florida Statutes 2016, before July 1, 2017,  
664 and which meets the requirements of this section. In addition to  
665 the authority granted under this section, these entities are  
666 authorized to dispense low-THC cannabis, medical cannabis, and  
667 cannabis delivery devices ordered pursuant to former s. 381.986,  
668 Florida Statutes 2016, which were entered into the compassionate  
669 use registry before July 1, 2017. The department may grant  
670 variances from the representations made in such an entity's  
671 original application for approval under former s. 381.986,  
672 Florida Statutes 2014, pursuant to paragraph (e).

673 2. The department shall also license as a medical  
674 marijuana treatment center any applicant that was denied a  
675 dispensing organization license by the department under former



676 s. 381.986, Florida Statutes 2014, if the applicant is awarded a  
677 license pursuant to an administrative or legal challenge filed  
678 prior to January 1, 2017, and meets the requirements of this  
679 section.

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

684 a. One applicant per region which was a qualified  
685 dispensing organization applicant under former s. 381.986,  
686 Florida Statutes 2014; was the next-highest scoring applicant  
687 after the applicant or applicants that were awarded a license  
688 for that region; was not a litigant in an administrative  
689 challenge on or after March 31, 2017; and is not licensed in  
690 another region.

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

696 4. Within 6 months after the registration of 100,000  
697 active qualified patients in the medical marijuana use registry,  
698 the department shall license four additional medical marijuana  
699 treatment centers that meet the requirements of this section.  
700 Thereafter, the department shall license four medical marijuana



701 treatment centers within 6 months after the registration of each  
702 additional 100,000 active qualified patients in the medical  
703 marijuana use registry that meet the requirements of this  
704 section.

705 (b) An applicant for licensure as a medical marijuana  
706 treatment center shall apply to the department on a form  
707 prescribed by the department and adopted in rule. The department  
708 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
709 establishing a procedure for the issuance and biennial renewal  
710 of licenses, including initial application and biennial renewal  
711 fees sufficient to cover the costs of administering this  
712 licensure program. Subject to the requirements in subparagraphs  
713 (a)2.-4., the department shall issue a license to an applicant  
714 if the applicant meets the requirements of this section and pays  
715 the initial application fee. The department shall renew the  
716 licensure of a medical marijuana treatment center biennially if  
717 the licensee meets the requirements of this section and pays the  
718 biennial renewal fee. An individual may not be an applicant,  
719 owner, officer, board member, or manager on more than one  
720 application for licensure as a medical marijuana treatment  
721 center. An individual or entity may not be awarded more than one  
722 license as a medical marijuana treatment center. An applicant  
723 for licensure as a medical marijuana treatment center must  
724 demonstrate:

725 1. That, for the 5 consecutive years before submitting the



726 application, the applicant has been registered to do business in  
727 in the state.

728 2. Possession of a valid certificate of registration  
729 issued by the Department of Agriculture and Consumer Services  
730 pursuant to s. 581.131.

731 3. The technical and technological ability to cultivate and  
732 produce marijuana, including, but not limited to, low-THC  
733 cannabis.

734 4. The ability to secure the premises, resources, and  
735 personnel necessary to operate as a medical marijuana treatment  
736 center.

737 5. The ability to maintain accountability of all raw  
738 materials, finished products, and any byproducts to prevent  
739 diversion or unlawful access to or possession of these  
740 substances.

741 6. An infrastructure reasonably located to dispense  
742 marijuana to registered qualified patients statewide or  
743 regionally as determined by the department.

744 7. The financial ability to maintain operations for the  
745 duration of the 2-year approval cycle, including the provision  
746 of certified financial statements to the department. Upon  
747 approval, the applicant must post a \$5 million performance bond.  
748 However, a medical marijuana treatment center serving at least  
749 1,000 qualified patients is only required to maintain a \$2  
750 million performance bond.



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

753 9. The employment of a medical director to supervise the  
754 activities of the medical marijuana treatment center.

755 (c) A medical marijuana treatment center may not make a  
756 wholesale purchase of marijuana from, or a distribution of  
757 marijuana to, another medical marijuana treatment center, unless  
758 the medical marijuana treatment center seeking to make a  
759 wholesale purchase of marijuana submits proof of harvest failure  
760 to the department.

761 (d) The department shall establish, maintain, and control  
762 a computer software tracking system that traces marijuana from  
763 seed to sale and allows real-time, 24-hour access by the  
764 department to data from all medical marijuana treatment centers  
765 and marijuana testing laboratories. The tracking system must  
766 allow for integration of other seed-to-sale systems and, at a  
767 minimum, include notification of when marijuana seeds are  
768 planted, when marijuana plants are harvested and destroyed, and  
769 when marijuana is transported, sold, stolen, diverted, or lost.  
770 Each medical marijuana treatment center shall use the seed-to-  
771 sale tracking system established by the department or integrate  
772 its own seed-to-sale tracking system with the seed-to-sale  
773 tracking system established by the department. Each medical  
774 marijuana treatment center may use its own seed-to-sale system  
775 until the department establishes a seed-to-sale tracking system.



776 The department may contract with a vendor to establish the seed-  
777 to-sale tracking system. The vendor selected by the department  
778 may not have a contractual relationship with the department to  
779 perform any services pursuant to this section other than the  
780 seed-to-sale tracking system. The vendor may not have a direct  
781 or indirect financial interest in a medical marijuana treatment  
782 center or a marijuana testing laboratory.

783 (e) A licensed medical marijuana treatment center shall  
784 cultivate, process, transport, and dispense marijuana for  
785 medical use. A licensed medical marijuana treatment center may  
786 not contract for services directly related to the cultivation,  
787 processing, and dispensing of marijuana or marijuana delivery  
788 devices. A licensed medical marijuana treatment center must, at  
789 all times, maintain compliance with the criteria demonstrated  
790 and representations made in the initial application and the  
791 criteria established in this subsection. Upon request, the  
792 department may grant a medical marijuana treatment center a  
793 variance from the representations made in the initial  
794 application. Consideration of such a request shall be based upon  
795 the individual facts and circumstances surrounding the request.  
796 A variance may not be granted unless the requesting medical  
797 marijuana treatment center can demonstrate to the department  
798 that it has a proposed alternative to the specific  
799 representation made in its application which fulfills the same  
800 or a similar purpose as the specific representation in a way



801 that the department can reasonably determine will not be a lower  
802 standard than the specific representation in the application. A  
803 variance may not be granted from the requirements in  
804 subparagraph 2. and subparagraphs (b)1. and 2.

805 1. A licensed medical marijuana treatment center may  
806 transfer ownership to an individual or entity who meets the  
807 requirements of this section. To accommodate a change in  
808 ownership:

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

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

816 c. Upon receipt of an application for a license, the  
817 department shall examine the application and, within 30 days  
818 after receipt, notify the applicant in writing of any apparent  
819 errors or omissions and request any additional information  
820 required.

821 d. Requested information omitted from an application for  
822 licensure must be filed with the department within 21 days after  
823 the department's request for omitted information or the  
824 application shall be deemed incomplete and shall be withdrawn  
825 from further consideration and the fees shall be forfeited.



826  
827 Within 30 days after the receipt of a complete application, the  
828 department shall approve or deny the application.

829 2. A medical marijuana treatment center, and any  
830 individual or entity who directly or indirectly owns, controls,  
831 or holds with power to vote 25 percent or more of the voting  
832 shares of a medical marijuana treatment center, may not acquire  
833 direct or indirect ownership or control of any voting shares or  
834 other form of ownership of any other medical marijuana treatment  
835 center.

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

839 4. Each medical marijuana treatment center must adopt and  
840 enforce policies and procedures to ensure employees and  
841 volunteers receive training on the legal requirements to  
842 dispense marijuana to qualified patients.

843 5. When growing marijuana, a medical marijuana treatment  
844 center:

845 a. May use pesticides determined by the department, after  
846 consultation with the Department of Agriculture and Consumer  
847 Services, to be safely applied to plants intended for human  
848 consumption, but may not use pesticides designated as  
849 restricted-use pesticides pursuant to s. 487.042.

850 b. Must grow marijuana within an enclosed structure and in



851 a room separate from any other plant.

852 c. Must inspect seeds and growing plants for plant pests  
853 that endanger or threaten the horticultural and agricultural  
854 interests of the state in accordance with chapter 581 and any  
855 rules adopted thereunder.

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

859 6. Each medical marijuana treatment center must produce  
860 and make available for purchase at least one low-THC cannabis  
861 product.

862 7. A medical marijuana treatment center that produces  
863 edibles must hold a permit to operate as a food establishment  
864 pursuant to chapter 500, the Florida Food Safety Act, and must  
865 comply with all the requirements for food establishments  
866 pursuant to chapter 500 and any rules adopted thereunder.  
867 Edibles may not contain more than 200 milligrams of  
868 tetrahydrocannabinol and a single serving portion of an edible  
869 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
870 may have a potency variance of no greater than 15 percent.  
871 Edibles may not be attractive to children; be manufactured in  
872 the shape of humans, cartoons, or animals; be manufactured in a  
873 form that bears any reasonable resemblance to products available  
874 for consumption as commercially available candy; or contain any  
875 color additives. To discourage consumption of edibles by



876 | children, the department shall determine by rule any shapes,  
877 | forms, and ingredients allowed and prohibited for edibles.  
878 | Medical marijuana treatment centers may not begin processing or  
879 | dispensing edibles until after the effective date of the rule.  
880 | The department shall also adopt sanitation rules providing the  
881 | standards and requirements for the storage, display, or  
882 | dispensing of edibles.

883 | 8. When processing marijuana, a medical marijuana  
884 | treatment center must:

885 | a. Process the marijuana within an enclosed structure and  
886 | in a room separate from other plants or products.

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

889 | c. Test the processed marijuana using a medical marijuana  
890 | testing laboratory before it is dispensed. Results must be  
891 | verified and signed by two medical marijuana treatment center  
892 | employees. Before dispensing, the medical marijuana treatment  
893 | center must determine that the test results indicate that low-  
894 | THC cannabis meets the definition of low-THC cannabis, the  
895 | concentration of tetrahydrocannabinol meets the potency  
896 | requirements of this section, the labeling of the concentration  
897 | of tetrahydrocannabinol and cannabidiol is accurate, and all  
898 | marijuana is safe for human consumption and free from  
899 | contaminants that are unsafe for human consumption. The  
900 | department shall determine by rule which contaminants must be



901 tested for and the maximum levels of each contaminant which are  
902 safe for human consumption. The Department of Agriculture and  
903 Consumer Services shall assist the department in developing the  
904 testing requirements for contaminants that are unsafe for human  
905 consumption in edibles. The department shall also determine by  
906 rule the procedures for the treatment of marijuana that fails to  
907 meet the testing requirements of this section, s. 381.988, or  
908 department rule. The department may select a random sample from  
909 edibles available for purchase in a dispensing facility that  
910 shall be tested by the department to determine that the edible  
911 meets the potency requirements of this section, is safe for  
912 human consumption, and the labeling of the tetrahydrocannabinol  
913 and cannabidiol concentration is accurate. A medical marijuana  
914 treatment center may not require payment from the department for  
915 the sample. A medical marijuana treatment center must recall  
916 edibles, including all edibles made from the same batch of  
917 marijuana, which fail to meet the potency requirements of this  
918 section, which are unsafe for human consumption, or for which  
919 the labeling of the tetrahydrocannabinol and cannabidiol  
920 concentration is inaccurate. The medical marijuana treatment  
921 center must retain records of all testing and samples of each  
922 homogenous batch of marijuana for at least 9 months. The medical  
923 marijuana treatment center must contract with a marijuana  
924 testing laboratory to perform audits on the medical marijuana  
925 treatment center's standard operating procedures, testing



926 records, and samples and provide the results to the department  
927 to confirm that the marijuana or low-THC cannabis meets the  
928 requirements of this section and that the marijuana or low-THC  
929 cannabis is safe for human consumption. A medical marijuana  
930 treatment center shall reserve two processed samples from each  
931 batch and retain such samples for at least 9 months for the  
932 purpose such audits. A medical marijuana treatment center may  
933 use a laboratory that has not been certified by the department  
934 under s. 381.988 until such time as at least one laboratory  
935 holds the required certification, but in no event later than  
936 July 1, 2018.

937 d. Package the marijuana in compliance with the United  
938 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
939 1471 et seq.

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

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

944 (II) The name of the medical marijuana treatment center  
945 from which the marijuana originates.

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

948 (IV) The name of the physician who issued the physician  
949 certification.

950 (V) The name of the patient.



951 (VI) The product name, if applicable, and dosage form,  
952 including concentration of tetrahydrocannabinol and cannabidiol.  
953 The product name may not contain wording commonly associated  
954 with products marketed by or to children.

955 (VII) The recommended dose.

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

958 (IX) A marijuana universal symbol developed by the  
959 department.

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

- 963 a. Clinical pharmacology.  
964 b. Indications and use.  
965 c. Dosage and administration.  
966 d. Dosage forms and strengths.  
967 e. Contraindications.  
968 f. Warnings and precautions.  
969 g. Adverse reactions.

970 10. Each edible shall be individually sealed in plain,  
971 opaque wrapping marked only with the marijuana universal symbol.  
972 Where practical, each edible shall be marked with the marijuana  
973 universal symbol. In addition to the packaging and labeling  
974 requirements in subparagraphs 8. and 9., edible receptacles must  
975 be plain, opaque, and white without depictions of the product or



976 images other than the medical marijuana treatment center's  
977 department-approved logo and the marijuana universal symbol. The  
978 receptacle must also include a list all of the edible's  
979 ingredients, storage instructions, an expiration date, a legible  
980 and prominent warning to keep away from children and pets, and a  
981 warning that the edible has not been produced or inspected  
982 pursuant to federal food safety laws.

983 11. When dispensing marijuana or a marijuana delivery  
984 device, a medical marijuana treatment center:

985 a. May dispense any active, valid order for low-THC  
986 cannabis, medical cannabis and cannabis delivery devices issued  
987 pursuant to former s. 381.986, Florida Statutes 2016, which was  
988 been entered into the medical marijuana use registry before July  
989 1, 2017.

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

992 c. Must have the medical marijuana treatment center's  
993 employee who dispenses the marijuana or a marijuana delivery  
994 device enter into the medical marijuana use registry his or her  
995 name or unique employee identifier.

996 d. Must verify that the qualified patient and the  
997 caregiver, if applicable, each has an active registration in the  
998 medical marijuana use registry and an active and valid medical  
999 marijuana use registry identification card, the amount and type  
1000 of marijuana dispensed matches the physician's certification in



1001 the medical marijuana use registry for that qualified patient,  
1002 and the physician certification has not already been filled.

1003 e. May not dispense marijuana to a qualified patient who  
1004 is younger than 18 years of age. If the qualified patient is  
1005 younger than 18 years of age, marijuana may only be dispensed to  
1006 the qualified patient's caregiver.

1007 f. May not dispense or sell any other type of cannabis,  
1008 alcohol, or illicit drug-related product, including pipes,  
1009 bongs, or wrapping papers, other than a marijuana delivery  
1010 device required for the medical use of marijuana and which is  
1011 specified in a physician certification.

1012 g. Must, upon dispensing the marijuana or marijuana  
1013 delivery device, record in the registry the date, time,  
1014 quantity, and form of marijuana dispensed; the type of marijuana  
1015 delivery device dispensed; and the name and medical marijuana  
1016 use registry identification number of the qualified patient or  
1017 caregiver to whom the marijuana delivery device was dispensed.

1018 h. Must ensure that patient records are not visible to  
1019 anyone other than the qualified patient, his or her caregiver,  
1020 and authorized medical marijuana treatment center employees.

1021 (f) To ensure the safety and security of premises where  
1022 the cultivation, processing, storing, or dispensing of marijuana  
1023 occurs, and to maintain adequate controls against the diversion,  
1024 theft, and loss of marijuana or marijuana delivery devices, a  
1025 medical marijuana treatment center shall:



1026        1.a. Maintain a fully operational security alarm system  
1027 that secures all entry points and perimeter windows and is  
1028 equipped with motion detectors; pressure switches; and duress,  
1029 panic, and hold-up alarms; and

1030        b. Maintain a video surveillance system that records  
1031 continuously 24 hours a day and meets the following criteria:

1032            (I) Cameras are fixed in a place that allows for the clear  
1033 identification of persons and activities in controlled areas of  
1034 the premises. Controlled areas include grow rooms, processing  
1035 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
1036 rooms.

1037            (II) Cameras are fixed in entrances and exits to the  
1038 premises, which shall record from both indoor and outdoor, or  
1039 ingress and egress, vantage points.

1040            (III) Recorded images must clearly and accurately display  
1041 the time and date.

1042            (IV) Retain video surveillance recordings for at least 45  
1043 days or longer upon the request of a law enforcement agency.

1044        2. Ensure that the medical marijuana treatment center's  
1045 outdoor premises have sufficient lighting from dusk until dawn.

1046        3. Ensure that the indoor premises where dispensing occurs  
1047 includes a waiting area with sufficient space and seating to  
1048 accommodate qualified patients and caregivers and at least one  
1049 private consultation area that is isolated from the waiting area  
1050 and area where dispensing occurs. A medical marijuana treatment



1051 center may not display products or dispense marijuana or  
1052 marijuana delivery devices in the waiting area.

1053 4. Not dispense from its premises marijuana or a marijuana  
1054 delivery device between the hours of 9 p.m. and 7 a.m., but may  
1055 perform all other operations and deliver marijuana to qualified  
1056 patients 24 hours a day.

1057 5. Store marijuana in a secured, locked room or a vault.

1058 6. Require at least two of its employees, or two employees  
1059 of a security agency with whom it contracts, to be on the  
1060 premises at all times where cultivation, processing, or storing  
1061 of marijuana occurs.

1062 7. Require each employee or contractor to wear a photo  
1063 identification badge at all times while on the premises.

1064 8. Require each visitor to wear a visitor pass at all  
1065 times while on the premises.

1066 9. Implement an alcohol and drug-free workplace policy.

1067 10. Report to local law enforcement within 24 hours after  
1068 the medical marijuana treatment center is notified or becomes  
1069 aware of the theft, diversion, or loss of marijuana.

1070 (g) To ensure the safe transport of marijuana and  
1071 marijuana delivery devices to medical marijuana treatment  
1072 centers, marijuana testing laboratories, or qualified patients,  
1073 a medical marijuana treatment center must:

1074 1. Maintain a marijuana transportation manifest in any  
1075 vehicle transporting marijuana. The marijuana transportation



1076 | manifest must be generated from a medical marijuana treatment  
1077 | center's seed-to-sale tracking system and include the:  
1078 |     a. Departure date and approximate time of departure.  
1079 |     b. Name, location address, and license number of the  
1080 | originating medical marijuana treatment center.  
1081 |     c. Name and address of the recipient of the delivery.  
1082 |     d. Quantity and form of any marijuana or marijuana  
1083 | delivery device being transported.  
1084 |     e. Arrival date and estimated time of arrival.  
1085 |     f. Delivery vehicle make and model and license plate  
1086 | number.  
1087 |     g. Name and signature of the medical marijuana treatment  
1088 | center employees delivering the product.  
1089 |     (I) A copy of the marijuana transportation manifest must  
1090 | be provided to each individual, medical marijuana treatment  
1091 | center, or marijuana testing laboratory that receives a  
1092 | delivery. The individual, or a representative of the center or  
1093 | laboratory, must sign a copy of the marijuana transportation  
1094 | manifest acknowledging receipt.  
1095 |     (II) An individual transporting marijuana or a marijuana  
1096 | delivery device must present a copy of the relevant marijuana  
1097 | transportation manifest and his or her employee identification  
1098 | card to a law enforcement officer upon request.  
1099 |     (III) Medical marijuana treatment centers and marijuana  
1100 | testing laboratories must retain copies of all marijuana



1101 transportation manifests for at least 3 years.

1102 2. Ensure only vehicles in good working order are used to  
1103 transport marijuana.

1104 3. Lock marijuana and marijuana delivery devices in a  
1105 separate compartment or container within the vehicle.

1106 4. Require employees to have possession of their employee  
1107 identification card at all times when transporting marijuana or  
1108 marijuana delivery devices.

1109 5. Require at least two persons to be in a vehicle  
1110 transporting marijuana or marijuana delivery devices, and  
1111 require at least one person to remain in the vehicle while the  
1112 marijuana or marijuana delivery device is being delivered.

1113 6. Provide specific safety and security training to  
1114 employees transporting or delivering marijuana and marijuana  
1115 delivery devices.

1116 (h) A medical marijuana treatment center may not engage in  
1117 advertising that is visible to members of the public from any  
1118 street, sidewalk, park, or other public place, except:

1119 1. The dispensing location of a medical marijuana  
1120 treatment center may have a sign that is affixed to the outside  
1121 or hanging in the window of the premises which identifies the  
1122 dispensary by the licensee's business name, a department-  
1123 approved trade name, or a department-approved logo. A medical  
1124 marijuana treatment center's trade name and logo may not contain  
1125 wording or images commonly associated with marketing targeted



1126 | toward children or which promote recreational use of marijuana.

1127 | 2. A medical marijuana treatment center may engage in

1128 | Internet advertising and marketing under the following

1129 | conditions:

1130 | a. All advertisements must be approved by the department.

1131 | b. An advertisement may not have any content that  
1132 | specifically targets individuals under the age of 18, including  
1133 | cartoon characters or similar images.

1134 | c. An advertisement may not be an unsolicited pop-up  
1135 | advertisement.

1136 | d. Opt-in marketing must include an easy and permanent  
1137 | opt-out feature.

1138 | (i) Each medical marijuana treatment center that dispenses  
1139 | marijuana and marijuana delivery devices shall make available to  
1140 | the public on its website:

1141 | 1. Each marijuana and low-THC product available for  
1142 | purchase, including the form, strain of marijuana from which it  
1143 | was extracted, cannabidiol content, tetrahydrocannabinol  
1144 | content, dose unit, total number of doses available, and the  
1145 | ratio of cannabidiol to tetrahydrocannabinol for each product.

1146 | 2. The price for a 30-day, 50-day, and 70-day supply at a  
1147 | standard dose for each marijuana and low-THC product available  
1148 | for purchase.

1149 | 3. The price for each marijuana delivery device available  
1150 | for purchase.



1151 4. If applicable, any discount policies and eligibility  
1152 criteria for such discounts.

1153 (j) Medical marijuana treatment centers are the sole  
1154 source from which a qualified patient may legally obtain  
1155 marijuana.

1156 (k) The department may adopt rules pursuant to ss.  
1157 120.536(1) and 120.54 to implement this subsection.

1158 (9) BACKGROUND SCREENING.-An individual required to  
1159 undergo a background screening pursuant to this section must  
1160 pass a level 2 background screening as provided under chapter  
1161 435, which, in addition to the disqualifying offenses provided  
1162 in s. 435.04, shall exclude an individual who has an arrest  
1163 awaiting final disposition for, has been found guilty of,  
1164 regardless of adjudication, or has entered a plea of nolo  
1165 contendere or guilty to an offense under chapter 837, chapter  
1166 895, or chapter 896 or similar law of another jurisdiction.

1167 (a) Such individual must submit a full set of fingerprints  
1168 to the department or to a vendor, entity, or agency authorized  
1169 by s. 943.053(13). The department, vendor, entity, or agency  
1170 shall forward the fingerprints to the Department of Law  
1171 Enforcement for state processing, and the Department of Law  
1172 Enforcement shall forward the fingerprints to the Federal Bureau  
1173 of Investigation for national processing.

1174 (b) Fees for state and federal fingerprint processing and  
1175 retention shall be borne by the individual. The state cost for



1176 fingerprint processing shall be as provided in s. 943.053(3)(e)  
1177 for records provided to persons or entities other than those  
1178 specified as exceptions therein.

1179 (c) Fingerprints submitted to the Department of Law  
1180 Enforcement pursuant to this subsection shall be retained by the  
1181 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
1182 (h) and, when the Department of Law Enforcement begins  
1183 participation in the program, enrolled in the Federal Bureau of  
1184 Investigation's national retained print arrest notification  
1185 program. Any arrest record identified shall be reported to the  
1186 department.

1187 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;  
1188 ADMINISTRATIVE ACTIONS.—

1189 (a) The department shall conduct announced or unannounced  
1190 inspections of medical marijuana treatment centers to determine  
1191 compliance with this section or rules adopted pursuant to this  
1192 section.

1193 (b) The department shall inspect a medical marijuana  
1194 treatment center upon receiving a complaint or notice that the  
1195 medical marijuana treatment center has dispensed marijuana  
1196 containing mold, bacteria, or other contaminant that may cause  
1197 or has caused an adverse effect to human health or the  
1198 environment.

1199 (c) The department shall conduct at least a biennial  
1200 inspection of each medical marijuana treatment center to



1201 evaluate the medical marijuana treatment center's records,  
1202 personnel, equipment, processes, security measures, sanitation  
1203 practices, and quality assurance practices.

1204 (d) The Department of Agriculture and Consumer Services  
1205 and the department shall enter into an interagency agreement to  
1206 ensure cooperation and coordination in the performance of their  
1207 obligations under this section and their respective regulatory  
1208 and authorizing laws. The department, the Department of Highway  
1209 Safety and Motor Vehicles, and the Department of Law Enforcement  
1210 may enter into interagency agreements for the purposes specified  
1211 in this subsection or subsection (7).

1212 (e) The department shall publish a list of all approved  
1213 medical marijuana treatment centers, medical directors, and  
1214 qualified physicians on its website.

1215 (f) The department may impose reasonable fines not to  
1216 exceed \$10,000 on a medical marijuana treatment center for any  
1217 of the following violations:

1218 1. Violating this section or department rule.

1219 2. Failing to maintain qualifications for approval.

1220 3. Endangering the health, safety, or security of a  
1221 qualified patient.

1222 4. Improperly disclosing personal and confidential  
1223 information of the qualified patient.

1224 5. Attempting to procure medical marijuana treatment  
1225 center approval by bribery, fraudulent misrepresentation, or



1226 extortion.

1227 6. Being convicted or found guilty of, or entering a plea  
1228 of guilty or nolo contendere to, regardless of adjudication, a  
1229 crime in any jurisdiction which directly relates to the business  
1230 of a medical marijuana treatment center.

1231 7. Making or filing a report or record that the medical  
1232 marijuana treatment center knows to be false.

1233 8. Willfully failing to maintain a record required by this  
1234 section or department rule.

1235 9. Willfully impeding or obstructing an employee or agent  
1236 of the department in the furtherance of his or her official  
1237 duties.

1238 10. Engaging in fraud or deceit, negligence, incompetence,  
1239 or misconduct in the business practices of a medical marijuana  
1240 treatment center.

1241 11. Making misleading, deceptive, or fraudulent  
1242 representations in or related to the business practices of a  
1243 medical marijuana treatment center.

1244 12. Having a license or the authority to engage in any  
1245 regulated profession, occupation, or business that is related to  
1246 the business practices of a medical marijuana treatment center  
1247 suspended, revoked, or otherwise acted against by the licensing  
1248 authority of any jurisdiction, including its agencies or  
1249 subdivisions, for a violation that would constitute a violation  
1250 under Florida law.



1251 13. Violating a lawful order of the department or an  
1252 agency of the state, or failing to comply with a lawfully issued  
1253 subpoena of the department or an agency of the state.

1254 (g) The department may suspend, revoke, or refuse to renew  
1255 a medical marijuana treatment center license if the medical  
1256 marijuana treatment center commits any of the violations in  
1257 paragraph (f).

1258 (h) The department may adopt rules pursuant to ss.  
1259 120.536(1) and 120.54 to implement this subsection.

1260 (11) PREEMPTION.—Regulation of cultivation, processing,  
1261 and delivery of marijuana by medical marijuana treatment centers  
1262 is preempted to the state except as provided in this subsection.

1263 (a) A medical marijuana treatment center cultivating or  
1264 processing facility may not be located within 500 feet of the  
1265 real property that comprises a public or private elementary  
1266 school, middle school, or secondary school.

1267 (b) A municipality may determine by ordinance the criteria  
1268 for the number and location of, and other permitting  
1269 requirements that do not conflict with state law or department  
1270 rule for, medical marijuana treatment center dispensing  
1271 facilities located within the boundaries of the municipality. A  
1272 county may determine by ordinance the criteria for the number  
1273 and location of, and other permitting requirements that do not  
1274 conflict with state law or department rule for, all such  
1275 dispensing facilities located within the unincorporated areas of



1276 that county. However, a medical marijuana treatment center  
1277 dispensing facility may not be located within 500 feet of the  
1278 real property that comprises a public or private elementary  
1279 school, middle school, or secondary school unless the county or  
1280 municipality approves the location through a formal proceeding  
1281 open to the public at which the county or municipality  
1282 determines that the location promotes the public health, safety,  
1283 and general welfare of the community. A dispensing facility  
1284 location approved by a municipality or county pursuant to former  
1285 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the  
1286 location requirements of this subsection.

1287 (c) Except as provided in paragraph (b), a county or  
1288 municipality may not enact ordinances for permitting or for  
1289 determining the location of dispensing facilities which are more  
1290 restrictive than that its ordinances permitting or determining  
1291 the locations for pharmacies licensed under chapter 465. A  
1292 municipality or county may not charge a medical marijuana  
1293 treatment center a license or permit fee in an amount greater  
1294 than the fee charged by such municipality or county to  
1295 pharmacies.

1296 (d) This subsection does not prohibit any local  
1297 jurisdiction from ensuring medical marijuana treatment center  
1298 facilities comply with the Florida Building Code, the Florida  
1299 Fire Prevention Code, or any local amendments to the Florida  
1300 Building Code or the Florida Fire Prevention Code.



1301 (12) PENALTIES.—

1302 (a) A qualified physician commits a misdemeanor of the  
1303 first degree, punishable as provided in s. 775.082 or s.  
1304 775.083, if the qualified physician issues a physician  
1305 certification for the medical use of marijuana for a patient  
1306 without a reasonable belief that the patient is suffering from a  
1307 qualifying medical condition.

1308 (b) A person who fraudulently represents that he or she  
1309 has a qualifying medical condition to a qualified physician for  
1310 the purpose of being issued a physician certification commits a  
1311 misdemeanor of the first degree, punishable as provided in s.  
1312 775.082 or s. 775.083.

1313 (c) A qualified patient who uses marijuana, not including  
1314 low-THC cannabis, or a caregiver who administers marijuana, not  
1315 including low-THC cannabis, in plain view of or in a place open  
1316 to the general public; in a school bus, a vehicle, an aircraft,  
1317 or a boat; or on the grounds of a school except as provided in  
1318 s. 1006.062, commits a misdemeanor of the first degree,  
1319 punishable as provided in s. 775.082 or s. 775.083.

1320 (d) A qualified patient or caregiver who cultivates  
1321 marijuana or who purchases or acquires marijuana from any person  
1322 or entity other than a medical marijuana treatment center  
1323 violates s. 893.13 and is subject to the penalties provided  
1324 therein.

1325 (e)1. A qualified patient or caregiver in possession of



1326 marijuana or a marijuana delivery device who fails or refuses to  
1327 present his or her marijuana use registry identification card  
1328 upon the request of a law enforcement officer commits a  
1329 misdemeanor of the second degree, punishable as provided in s.  
1330 775.082 or s. 775.083, unless it can be determined through the  
1331 medical marijuana use registry that the person is authorized to  
1332 be in possession of that marijuana or marijuana delivery device.

1333 2. A person charged with a violation of this paragraph may  
1334 not be convicted if, before or at the time of his or her court  
1335 or hearing appearance, the person produces in court or to the  
1336 clerk of the court in which the charge is pending a medical  
1337 marijuana use registry identification card issued to him or her  
1338 which is valid at the time of his or her arrest. The clerk of  
1339 the court is authorized to dismiss such case at any time before  
1340 the defendant's appearance in court. The clerk of the court may  
1341 assess a fee of \$5 for dismissing the case under this paragraph.

1342 (f) A caregiver who violates any of the applicable  
1343 provisions of this section or applicable department rules, for  
1344 the first offense, commits a misdemeanor of the second degree,  
1345 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1346 second or subsequent offense, commits a misdemeanor of the first  
1347 degree, punishable as provided in s. 775.082 or s. 775.083.

1348 (g) A qualified physician who issues a physician  
1349 certification for marijuana or a marijuana delivery device and  
1350 receives compensation from a medical marijuana treatment center



1351 related to the issuance of a physician certification for  
1352 marijuana or a marijuana delivery device is subject to  
1353 disciplinary action under the applicable practice act and s.  
1354 456.072 (1) (n) .

1355 (h) A person transporting marijuana or marijuana delivery  
1356 devices on behalf of a medical marijuana treatment center or  
1357 marijuana testing laboratory who fails or refuses to present a  
1358 transportation manifest upon the request of a law enforcement  
1359 officer commits a misdemeanor of the second degree, punishable  
1360 as provided in s. 775.082 or s. 775.083.

1361 (i) Persons and entities conducting activities authorized  
1362 and governed by this section and s. 381.988 are subject to the  
1363 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1364 (j) A person or entity that cultivates, processes,  
1365 distributes, sells, or dispenses marijuana, as defined in s.  
1366 29(b)(4), Art. X of the State Constitution, and is not licensed  
1367 as a medical marijuana treatment center violates s. 893.13 and  
1368 is subject to the penalties provided therein.

1369 (13) UNLICENSED ACTIVITY.—

1370 (a) If the department has probable cause to believe that a  
1371 person or entity that is not registered or licensed with the  
1372 department has violated this section, s. 381.988, or any rule  
1373 adopted pursuant to this section, the department may issue and  
1374 deliver to such person or entity a notice to cease and desist  
1375 from such violation. The department also may issue and deliver a



1376 notice to cease and desist to any person or entity who aids and  
1377 abets such unlicensed activity. The issuance of a notice to  
1378 cease and desist does not constitute agency action for which a  
1379 hearing under s. 120.569 or s. 120.57 may be sought. For the  
1380 purpose of enforcing a cease and desist order, the department  
1381 may file a proceeding in the name of the state seeking issuance  
1382 of an injunction or a writ of mandamus against any person or  
1383 entity who violates any provisions of such order.

1384 (b) In addition to the remedies under paragraph (a), the  
1385 department may impose by citation an administrative penalty not  
1386 to exceed \$5,000 per incident. The citation shall be issued to  
1387 the subject and shall contain the subject's name and any other  
1388 information the department determines to be necessary to  
1389 identify the subject, a brief factual statement, the sections of  
1390 the law allegedly violated, and the penalty imposed. If the  
1391 subject does not dispute the matter in the citation with the  
1392 department within 30 days after the citation is served, the  
1393 citation shall become a final order of the department. The  
1394 department may adopt rules pursuant to ss. 120.536(1) and 120.54  
1395 to implement this section. Each day that the unlicensed activity  
1396 continues after issuance of a notice to cease and desist  
1397 constitutes a separate violation. The department shall be  
1398 entitled to recover the costs of investigation and prosecution  
1399 in addition to the fine levied pursuant to the citation. Service  
1400 of a citation may be made by personal service or by mail to the



1401 subject at the subject's last known address or place of  
1402 practice. If the department is required to seek enforcement of  
1403 the cease and desist or agency order, it shall be entitled to  
1404 collect attorney fees and costs.

1405 (c) In addition to or in lieu of any other administrative  
1406 remedy, the department may seek the imposition of a civil  
1407 penalty through the circuit court for any violation for which  
1408 the department may issue a notice to cease and desist. The civil  
1409 penalty shall be no less than \$5,000 and no more than \$10,000  
1410 for each offense. The court may also award to the prevailing  
1411 party court costs and reasonable attorney fees and, in the event  
1412 the department prevails, may also award reasonable costs of  
1413 investigation and prosecution.

1414 (d) In addition to the other remedies provided in this  
1415 section, the department or any state attorney may bring an  
1416 action for an injunction to restrain any unlicensed activity or  
1417 to enjoin the future operation or maintenance of the unlicensed  
1418 activity or the performance of any service in violation of this  
1419 section.

1420 (e) The department must notify local law enforcement of  
1421 such unlicensed activity for a determination of any criminal  
1422 violation of chapter 893.

1423 (14) EXCEPTIONS TO OTHER LAWS.—

1424 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1425 any other provision of law, but subject to the requirements of



1426 this section, a qualified patient and the qualified patient's  
1427 caregiver may purchase from a medical marijuana treatment center  
1428 for the patient's medical use a marijuana delivery device and up  
1429 to the amount of marijuana authorized in the physician  
1430 certification, but may not possess more than a 70-day supply of  
1431 marijuana at any given time and all marijuana purchased must  
1432 remain in its original packaging.

1433 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1434 any other provision of law, but subject to the requirements of  
1435 this section, an approved medical marijuana treatment center and  
1436 its owners, managers, and employees may manufacture, possess,  
1437 sell, deliver, distribute, dispense, and lawfully dispose of  
1438 marijuana or a marijuana delivery device as provided in this  
1439 section, s. 381.988, and by department rule. For purposes of  
1440 this subsection, the terms "manufacture," "possession,"  
1441 "deliver," "distribute," and "dispense" have the same meanings  
1442 as provided in s. 893.02.

1443 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1444 any other provision of law, but subject to the requirements of  
1445 this section, a certified marijuana testing laboratory,  
1446 including an employee of a certified marijuana testing  
1447 laboratory acting within the scope of his or her employment, may  
1448 acquire, possess, test, transport, and lawfully dispose of  
1449 marijuana as provided in this section, in s. 381.988, and by  
1450 department rule.



1451 (d) A licensed medical marijuana treatment center and its  
1452 owners, managers, and employees are not subject to licensure or  
1453 regulation under chapter 465 or chapter 499 for manufacturing,  
1454 possessing, selling, delivering, distributing, dispensing, or  
1455 lawfully disposing of marijuana or a marijuana delivery device,  
1456 as provided in this section, s. 381.988, and by department rule.

1457 (e) This subsection does not exempt a person from  
1458 prosecution for a criminal offense related to impairment or  
1459 intoxication resulting from the medical use of marijuana or  
1460 relieve a person from any requirement under law to submit to a  
1461 breath, blood, urine, or other test to detect the presence of a  
1462 controlled substance.

1463 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1464 any other provision of law, but subject to the requirements of  
1465 this section and pursuant to policies and procedures established  
1466 pursuant to s. 1006.62(8), school personnel may possess  
1467 marijuana that is obtained for medical use pursuant to this  
1468 section by a student who is a qualified patient.

1469 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1470 any other provision of law, but subject to the requirements of  
1471 this section, a research institute established by a public  
1472 postsecondary educational institution, such as the H. Lee  
1473 Moffitt Cancer Center and Research Institute established under  
1474 s. 1004.43, or a state university that has achieved the  
1475 preeminent state research university designation under s.



1476 1001.7065 may possess, test, transport, and lawfully dispose of  
1477 marijuana for research purposes as provided by this section.

1478 (15) APPLICABILITY.—This section does not limit the  
1479 ability of an employer to establish, continue, or enforce a  
1480 drug-free workplace program or policy. This section does not  
1481 require an employer to accommodate the medical use of marijuana  
1482 in any workplace or any employee working while under the  
1483 influence of marijuana. This section does not create a cause of  
1484 action against an employer for wrongful discharge or  
1485 discrimination.

1486 Section 3. Paragraph (uu) is added to subsection (1) of  
1487 section 458.331, Florida Statutes, to read:

1488 458.331 Grounds for disciplinary action; action by the  
1489 board and department.—

1490 (1) The following acts constitute grounds for denial of a  
1491 license or disciplinary action, as specified in s. 456.072(2):

1492 (uu) Issuing a physician certification, as defined in s.  
1493 381.986, in a manner out of compliance with the requirements of  
1494 that section and rules adopted thereunder.

1495 Section 4. Paragraph (ww) is added to subsection (1) of  
1496 section 459.015, Florida Statutes, to read:

1497 459.015 Grounds for disciplinary action; action by the  
1498 board and department.—

1499 (1) The following acts constitute grounds for denial of a  
1500 license or disciplinary action, as specified in s. 456.072(2):



1501 (ww) Issuing a physician certification, as defined in s.  
1502 381.986, in a manner not in compliance with the requirements of  
1503 that section and rules adopted thereunder.

1504 Section 5. Section 381.988, Florida Statutes, is created  
1505 to read:

1506 381.988 Medical marijuana testing laboratories; marijuana  
1507 tests conducted by a certified laboratory.-

1508 (1) A person or entity seeking to be a certified marijuana  
1509 testing laboratory must:

1510 (a) Not be owned or controlled by a medical marijuana  
1511 treatment center.

1512 (b) Submit a completed application accompanied by an  
1513 application fee, as established by department rule.

1514 (c) Submit proof of an accreditation or a certification  
1515 approved by the department issued by an accreditation or a  
1516 certification organization approved by the department. The  
1517 department shall adopt by rule a list of approved laboratory  
1518 accreditations or certifications and accreditation or  
1519 certification organizations.

1520 (d) Require all owners and managers to submit to and pass  
1521 a level 2 background screening pursuant to s. 435.04 and shall  
1522 deny certification if the person or entity has been found guilty  
1523 of, or has entered a plea of guilty or nolo contendere to,  
1524 regardless of adjudication, any offense listed in chapter 837,  
1525 chapter 895, or chapter 896 or similar law of another



1526 jurisdiction.

1527 1. Such owners and managers must submit a full set of  
1528 fingerprints to the department or to a vendor, entity, or agency  
1529 authorized by s. 943.053(13). The department, vendor, entity, or  
1530 agency shall forward the fingerprints to the Department of Law  
1531 Enforcement for state processing, and the Department of Law  
1532 Enforcement shall forward the fingerprints to the Federal Bureau  
1533 of Investigation for national processing.

1534 2. Fees for state and federal fingerprint processing and  
1535 retention shall be borne by such owners or managers. The state  
1536 cost for fingerprint processing shall be as provided in s.  
1537 943.053(3)(e) for records provided to persons or entities other  
1538 than those specified as exceptions therein.

1539 3. Fingerprints submitted to the Department of Law  
1540 Enforcement pursuant to this paragraph shall be retained by the  
1541 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
1542 (h) and, when the Department of Law Enforcement begins  
1543 participation in the program, enrolled in the Federal Bureau of  
1544 Investigation's national retained print arrest notification  
1545 program. Any arrest record identified shall be reported to the  
1546 department.

1547 (e) Demonstrate to the department the capability of  
1548 meeting the standards for certification required by this  
1549 subsection, and the testing requirements of s. 381.986 and this  
1550 section and rules adopted thereunder.



1551        (2) The department shall adopt rules pursuant to ss.  
1552 120.536(1) and 120.54 establishing a procedure for initial  
1553 certification and biennial renewal, including initial  
1554 application and biennial renewal fees sufficient to cover the  
1555 costs of administering this certification program. The  
1556 department shall renew the certification biennially if the  
1557 laboratory meets the requirements of this section and pays the  
1558 biennial renewal fee.

1559        (3) The department shall adopt rules pursuant to ss.  
1560 120.536(1) and 120.54 establishing the standards for  
1561 certification of marijuana testing laboratories under this  
1562 section. The Department of Agriculture and Consumer Services and  
1563 the Department of Environmental Protection shall assist the  
1564 department in developing the rule, which must include, but is  
1565 not limited to:

1566            (a) Security standards.

1567            (b) Minimum standards for personnel.

1568            (c) Sample collection method and process standards.

1569            (d) Proficiency testing for tetrahydrocannabinol potency,  
1570 concentration of cannabidiol, and contaminants unsafe for human  
1571 consumption, as determined by department rule.

1572            (e) Reporting content, format, and frequency.

1573            (f) Audits and onsite inspections.

1574            (g) Quality assurance.

1575            (h) Equipment and methodology.



- 1576        (i) Chain of custody.
- 1577        (j) Any other standard the department deems necessary to  
1578 ensure the health and safety of the public.
- 1579        (4) A marijuana testing laboratory may acquire marijuana  
1580 only from a medical marijuana treatment center. A marijuana  
1581 testing laboratory is prohibited from selling, distributing, or  
1582 transferring marijuana received from a marijuana treatment  
1583 center, except that a marijuana testing laboratory may transfer  
1584 a sample to another marijuana testing laboratory in this state.
- 1585        (5) A marijuana testing laboratory must properly dispose  
1586 of all samples it receives, unless transferred to another  
1587 marijuana testing laboratory, after all necessary tests have  
1588 been conducted and any required period of storage has elapsed,  
1589 as established by department rule.
- 1590        (6) A marijuana testing laboratory shall use the computer  
1591 software tracking system selected by the department under s.  
1592 381.986.
- 1593        (7) The following acts constitute grounds for which  
1594 disciplinary action specified in subsection (8) may be taken  
1595 against a certified marijuana testing laboratory:
- 1596        (a) Permitting unauthorized persons to perform technical  
1597 procedures or issue reports.
- 1598        (b) Demonstrating incompetence or making consistent errors  
1599 in the performance of testing or erroneous reporting.
- 1600        (c) Performing a test and rendering a report thereon to a



1601 person or entity not authorized by law to receive such services.

1602 (d) Failing to file any report required under this section  
1603 or s. 381.986 or the rules adopted thereunder.

1604 (e) Reporting a test result if the test was not performed.

1605 (f) Failing to correct deficiencies within the time  
1606 required by the department.

1607 (g) Violating or aiding and abetting in the violation of  
1608 any provision of s. 381.986 or this section or any rules adopted  
1609 thereunder.

1610 (8) The department may refuse to issue or renew, or may  
1611 suspend or revoke, the certification of a marijuana testing  
1612 laboratory that is found to be in violation of this section or  
1613 any rules adopted hereunder. The department may impose fines for  
1614 violations of this section or rules adopted thereunder, based on  
1615 a schedule adopted in rule. In determining the administrative  
1616 action to be imposed for a violation, the department must  
1617 consider the following factors:

1618 (a) The severity of the violation, including the  
1619 probability of death or serious harm to the health or safety of  
1620 any person that may result or has resulted; the severity or  
1621 potential harm; and the extent to which the provisions of s.  
1622 381.986 or this section were violated.

1623 (b) The actions taken by the marijuana testing laboratory  
1624 to correct the violation or to remedy the complaint.

1625 (c) Any previous violation by the marijuana testing



1626 laboratory.

1627 (d) The financial benefit to the marijuana testing  
1628 laboratory of committing or continuing the violation.

1629 (9) The department may adopt rules pursuant to ss.  
1630 120.536(1) and 120.54 to implement this section.

1631 Section 6. Section 381.989, Florida Statutes, is created  
1632 to read:

1633 381.989 Public education campaigns.—

1634 (1) DEFINITIONS.—As used in this section, the term:

1635 (a) "Cannabis" has the same meaning as in s. 893.02.

1636 (b) "Department" means the Department of Health.

1637 (c) "Marijuana" has the same meaning as in s. 381.986.

1638 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT  
1639 USE PREVENTION CAMPAIGN.—

1640 (a) The department shall implement a statewide cannabis  
1641 and marijuana education and illicit use prevention campaign to  
1642 publicize accurate information regarding:

1643 1. The legal requirements for licit use and possession of  
1644 marijuana in this state.

1645 2. Safe use of marijuana, including preventing access by  
1646 persons other than qualified patients as defined in s. 381.986,  
1647 particularly children.

1648 3. The short-term and long-term health effects of cannabis  
1649 and marijuana use, particularly on minors and young adults.

1650 4. Other cannabis-related and marijuana-related education



1651 determined by the department to be necessary to the public  
1652 health and safety.

1653 (b) The department shall provide educational materials  
1654 regarding the eligibility for medical use of marijuana by  
1655 individuals diagnosed with a terminal condition to individuals  
1656 that provide palliative care or hospice services.

1657 (c) The department may use television messaging, radio  
1658 broadcasts, print media, digital strategies, social media, and  
1659 any other form of messaging deemed necessary and appropriate by  
1660 the department to implement the campaign. The department may  
1661 work with school districts, community organizations, and  
1662 businesses and business organizations and other entities to  
1663 provide training and programming.

1664 (d) The department may contract with one or more vendors  
1665 to implement the campaign.

1666 (e) The department shall contract with an independent  
1667 entity to conduct annual evaluations of the campaign. The  
1668 evaluations shall assess the reach and impact of the campaign,  
1669 success in educating the citizens of the state regarding the  
1670 legal parameters for marijuana use, success in preventing  
1671 illicit access by adults and youth, and success in preventing  
1672 negative health impacts from the legalization of marijuana. The  
1673 first year of the program, the evaluator shall conduct surveys  
1674 to establish baseline data on youth and adult cannabis use, the  
1675 attitudes of youth and the general public toward cannabis and



1676 marijuana, and any other data deemed necessary for long-term  
1677 analysis. By January 31 of each year, the department shall  
1678 submit to the Governor, the President of the Senate, and the  
1679 Speaker of the House of Representatives the annual evaluation of  
1680 the campaign.

1681 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1682 (a) The Department of Highway Safety and Motor Vehicles  
1683 shall implement a statewide impaired driving education campaign  
1684 to raise awareness and prevent marijuana-related and cannabis-  
1685 related impaired driving and may contract with one or more  
1686 vendors to implement the campaign. The Department of Highway  
1687 Safety and Motor Vehicles may use television messaging, radio  
1688 broadcasts, print media, digital strategies, social media, and  
1689 any other form of messaging deemed necessary and appropriate by  
1690 the department to implement the campaign.

1691 (b) At a minimum, the Department of Highway Safety and  
1692 Motor Vehicles or a contracted vendor shall establish baseline  
1693 data on the number of marijuana-related citations for driving  
1694 under the influence, marijuana-related traffic arrests,  
1695 marijuana-related traffic accidents, and marijuana-related  
1696 traffic fatalities, and shall track these measures annually  
1697 thereafter. The Department of Highway Safety and Motor Vehicles  
1698 or a contracted vendor shall annually evaluate and compile a  
1699 report on the efficacy of the campaign based on those measures  
1700 and other measures established by the Department of Highway



1701 Safety and Motor Vehicles. By January 31 of each year, the  
1702 Department of Highway Safety and Motor Vehicles shall submit the  
1703 report on the evaluation of the campaign to the Governor, the  
1704 President of the Senate, and the Speaker of the House of  
1705 Representatives.

1706 Section 7. Subsection (1) of section 385.211, Florida  
1707 Statutes, is amended to read:

1708 385.211 Refractory and intractable epilepsy treatment and  
1709 research at recognized medical centers.—

1710 (1) As used in this section, the term "low-THC cannabis"  
1711 means "low-THC cannabis" as defined in s. 381.986 that is  
1712 dispensed only from a dispensing organization as defined in  
1713 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1714 treatment center as defined in s. 381.986.

1715 Section 8. Paragraphs (b) through (e) of subsection (2) of  
1716 section 499.0295, Florida Statutes, are redesignated as  
1717 paragraphs (a) through (d), respectively, and present paragraphs  
1718 (a) and (c) of that subsection, and subsection (3) of that  
1719 section are amended to read:

1720 499.0295 Experimental treatments for terminal conditions.—

1721 (2) As used in this section, the term:

1722 ~~(a) "Dispensing organization" means an organization~~  
1723 ~~approved by the Department of Health under s. 381.986(5) to~~  
1724 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
1725 ~~medical cannabis, and cannabis delivery devices.~~



1726        (b)~~(e)~~ "Investigational drug, biological product, or  
1727 device" means:

1728        ~~1.~~ a drug, biological product, or device that has  
1729 successfully completed phase 1 of a clinical trial but has not  
1730 been approved for general use by the United States Food and Drug  
1731 Administration and remains under investigation in a clinical  
1732 trial approved by the United States Food and Drug  
1733 Administration; ~~or~~

1734        ~~2. Medical cannabis that is manufactured and sold by a  
1735 dispensing organization.~~

1736        (3) Upon the request of an eligible patient, a  
1737 manufacturer may, ~~or upon a physician's order pursuant to s.~~  
1738 ~~381.986, a dispensing organization may:~~

1739        (a) Make its investigational drug, biological product, or  
1740 device available under this section.

1741        (b) Provide an investigational drug, biological product,  
1742 or device, ~~or cannabis delivery device as defined in s. 381.986~~  
1743 to an eligible patient without receiving compensation.

1744        (c) Require an eligible patient to pay the costs of, or  
1745 the costs associated with, the manufacture of the  
1746 investigational drug, biological product, or device, ~~or cannabis~~  
1747 ~~delivery device as defined in s. 381.986.~~

1748        Section 9. Subsection (3) of section 893.02, Florida  
1749 Statutes, is amended to read:

1750        893.02 Definitions.—The following words and phrases as



1751 used in this chapter shall have the following meanings, unless  
1752 the context otherwise requires:

1753 (3) "Cannabis" means all parts of any plant of the genus  
1754 Cannabis, whether growing or not; the seeds thereof; the resin  
1755 extracted from any part of the plant; and every compound,  
1756 manufacture, salt, derivative, mixture, or preparation of the  
1757 plant or its seeds or resin. The term does not include  
1758 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if  
1759 manufactured, possessed, sold, purchased, delivered,  
1760 distributed, or dispensed, in conformance with s. 381.986.

1761 Section 10. Section 1004.4351, Florida Statutes, is created  
1762 to read:

1763 1004.4351 Medical marijuana research and education.-

1764 (1) SHORT TITLE.-This section shall be known and may be  
1765 cited as the "Medical Marijuana Research and Education Act."

1766 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

1767 (a) The present state of knowledge concerning the use of  
1768 marijuana to alleviate pain and treat illnesses is limited  
1769 because permission to perform clinical studies on marijuana is  
1770 difficult to obtain, with access to research-grade marijuana so  
1771 restricted that little or no unbiased studies have been  
1772 performed.

1773 (b) Under the State Constitution, marijuana is available  
1774 for the treatment of certain debilitating medical conditions.

1775 (c) Additional clinical studies are needed to ensure that



1776 the residents of this state obtain the correct dosing,  
1777 formulation, route, modality, frequency, quantity, and quality  
1778 of marijuana for specific illnesses.

1779 (d) An effective medical marijuana research and education  
1780 program would mobilize the scientific, educational, and medical  
1781 resources that presently exist in this state to determine the  
1782 appropriate and best use of marijuana to treat illness.

1783 (3) DEFINITIONS.—As used in this section, the term:

1784 (a) "Board" means the Medical Marijuana Research and  
1785 Education Board.

1786 (b) "Coalition" means the Coalition for Medical Marijuana  
1787 Research and Education.

1788 (c) "Marijuana" has the same meaning as provided in s. 29,  
1789 Art. X of the State Constitution.

1790 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND  
1791 EDUCATION.—

1792 (a) There is established within the H. Lee Moffitt Cancer  
1793 Center and Research Institute, Inc., the Coalition for Medical  
1794 Marijuana Research and Education. The purpose of the coalition  
1795 is to conduct rigorous scientific research, provide education,  
1796 disseminate research, and guide policy for the adoption of a  
1797 statewide policy on ordering and dosing practices for the  
1798 medical use of marijuana. The coalition shall be physically  
1799 located at the H. Lee Moffitt Cancer Center and Research  
1800 Institute, Inc.



1801        (b) The Medical Marijuana Research and Education Board is  
1802 established to direct the operations of the coalition. The board  
1803 shall be composed of seven members appointed by the chief  
1804 executive officer of the H. Lee Moffitt Cancer Center and  
1805 Research Institute, Inc. Board members must have experience in a  
1806 variety of scientific and medical fields, including, but not  
1807 limited to, oncology, neurology, psychology, pediatrics,  
1808 nutrition, and addiction. Members shall be appointed to 4-year  
1809 terms and may be reappointed to serve additional terms. The  
1810 chair shall be elected by the board from among its members to  
1811 serve a 2-year term. The board shall meet no less than  
1812 semiannually at the call of the chair or, in his or her absence  
1813 or incapacity, the vice chair. Four members constitute a quorum.  
1814 A majority vote of the members present is required for all  
1815 actions of the board. The board may prescribe, amend, and repeal  
1816 a charter governing the manner in which it conducts its  
1817 business. A board member shall serve without compensation but is  
1818 entitled to be reimbursed for travel expenses by the coalition  
1819 or the organization he or she represents in accordance with s.  
1820 112.061.

1821        (c) The coalition shall be administered by a coalition  
1822 director, who shall be appointed by and serve at the pleasure of  
1823 the board. The coalition director shall, subject to the approval  
1824 of the board:

1825            1. Propose a budget for the coalition.



- 1826        2. Foster the collaboration of scientists, researchers,  
1827 and other appropriate personnel in accordance with the  
1828 coalition's charter.
- 1829        3. Identify and prioritize the research to be conducted by  
1830 the coalition.
- 1831        4. Prepare the Medical Marijuana Research and Education  
1832 Plan for submission to the board.
- 1833        5. Apply for grants to obtain funding for research  
1834 conducted by the coalition.
- 1835        6. Perform other duties as determined by the board.
- 1836        (d) The board shall advise the Board of Governors, the  
1837 State Surgeon General, the Governor, and the Legislature with  
1838 respect to medical marijuana research and education in this  
1839 state. The board shall explore methods of implementing and  
1840 enforcing medical marijuana laws in relation to cancer control,  
1841 research, treatment, and education.
- 1842        (e) The board shall annually adopt a plan for medical  
1843 marijuana research, known as the "Medical Marijuana Research and  
1844 Education Plan," which must be in accordance with state law and  
1845 coordinate with existing programs in this state. The plan must  
1846 include recommendations for the coordination and integration of  
1847 medical, pharmacological, nursing, paramedical, community, and  
1848 other resources connected with the treatment of debilitating  
1849 medical conditions; research related to the treatment of such  
1850 medical conditions; and education.



1851 (f) By February 15 of each year, the board shall issue a  
1852 report to the Governor, the President of the Senate, and the  
1853 Speaker of the House of Representatives on research projects,  
1854 community outreach initiatives, and future plans for the  
1855 coalition.

1856 (g) Beginning January 15, 2018, and quarterly thereafter,  
1857 the Department of Health shall submit to the board a data set  
1858 that includes, for each patient registered in the medical  
1859 marijuana use registry, the patient's qualifying medical  
1860 condition and the daily dose amount and forms of marijuana  
1861 certified for the patient.

1862 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER  
1863 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center  
1864 and Research Institute, Inc., shall allocate staff and provide  
1865 information and assistance, as the coalition's budget permits,  
1866 to assist the board in fulfilling its responsibilities.

1867 Section 11. Subsection (1) of section 1004.441, Florida  
1868 Statutes, is amended to read:

1869 1004.441 Refractory and intractable epilepsy treatment and  
1870 research.—

1871 (1) As used in this section, the term "low-THC cannabis"  
1872 means "low-THC cannabis" as defined in s. 381.986 that is  
1873 dispensed only from a dispensing organization as defined in  
1874 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1875 treatment center as defined in s. 381.986.



1876 Section 12. Subsection (8) is added to section 1006.062,  
1877 Florida Statutes, to read:

1878 1006.062 Administration of medication and provision of  
1879 medical services by district school board personnel.—

1880 (8) Each district school board shall adopt a policy and a  
1881 procedure for allowing a student who is a qualified patient, as  
1882 defined in s. 381.986, to use marijuana obtained pursuant to  
1883 that section. Such policy and procedure shall ensure access by  
1884 the qualified patient; identify how the marijuana will be  
1885 received, accounted for, and stored; and establish processes to  
1886 prevent access by other students and school personnel  
1887 unnecessary to the implementation of the policy.

1888 Section 13. Department of Health; authority to adopt  
1889 rules; cause of action.—

1890 (1) EMERGENCY RULEMAKING.—

1891 (a) The Department of Health and the applicable boards  
1892 shall adopt emergency rules pursuant to s. 120.54(4), Florida  
1893 Statutes, and this section necessary to implement ss. 381.986  
1894 and 381.988, Florida Statutes. If an emergency rule adopted  
1895 under this section is held to be unconstitutional or an invalid  
1896 exercise of delegated legislative authority, and becomes void,  
1897 the department or the applicable boards may adopt an emergency  
1898 rule pursuant to this section to replace the rule that has  
1899 become void. If the emergency rule adopted to replace the void  
1900 emergency rule is also held to be unconstitutional or an invalid



1901 exercise of delegated legislative authority and becomes void,  
1902 the department and the applicable boards must follow the  
1903 nonemergency rulemaking procedures of the Administrative  
1904 Procedures Act to replace the rule that has become void.

1905 (b) For emergency rules adopted under this section, the  
1906 department and the applicable boards need not make the findings  
1907 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
1908 adopted under this section are exempt from ss. 120.54(3)(b) and  
1909 120.541, Florida Statutes. The department and the applicable  
1910 boards shall meet the procedural requirements in s. 120.54(a),  
1911 Florida Statutes, if the department or the applicable boards  
1912 have, prior to the effective date of this act, held any public  
1913 workshops or hearings on the subject matter of the emergency  
1914 rules adopted under this subsection. Challenges to emergency  
1915 rules adopted under this subsection shall be subject to the time  
1916 schedules provided in s. 120.56(5), Florida Statutes.

1917 (c) Emergency rules adopted under this section are exempt  
1918 from s. 120.54(4)(c), Florida Statutes, and shall remain in  
1919 effect until replaced by rules adopted under the nonemergency  
1920 rulemaking procedures of the Administrative Procedures Act. By  
1921 January 1, 2018, the department and the applicable boards shall  
1922 initiate nonemergency rulemaking pursuant to the Administrative  
1923 Procedures Act to replace all emergency rules adopted under this  
1924 section by publishing a notice of rule development in the  
1925 Florida Administrative Register. Except as provided in paragraph



1926 (a), after January 1, 2018, the department and applicable boards  
1927 may not adopt rules pursuant to the emergency rulemaking  
1928 procedures provided in this section.

1929 (2) CAUSE OF ACTION.—

1930 (a) As used in s. 29(d)(3), Art. X of the State  
1931 Constitution, the term:

1932 1. "Issue regulations" means the filing by the department  
1933 of a rule or emergency rule for adoption with the Department of  
1934 State.

1935 2. "Judicial relief" means an action for declaratory  
1936 judgment pursuant to chapter 86, Florida Statutes.

1937 (b) The venue for actions brought against the department  
1938 pursuant to s. 29(d)(3), Art. X of the State Constitution shall  
1939 be in the circuit court in and for Leon County.

1940 (c) If the department is not issuing patient and caregiver  
1941 identification cards or licensing medical marijuana treatment  
1942 centers by October 3, 2017, the following shall be a defense to  
1943 a cause of action brought under s. 29(d)(3), Art. X of the State  
1944 Constitution:

1945 1. The department is unable to issue patient and caregiver  
1946 identification cards or license medical marijuana treatment  
1947 centers due to litigation challenging a rule as an invalid  
1948 exercise of delegated legislative authority or unconstitutional.

1949 2. The department is unable to issue patient or caregiver  
1950 identification cards or license medical marijuana treatment



1951 | centers due to a rule being held as an invalid exercise of  
 1952 | delegated legislative authority or unconstitutional.

1953 |       Section 14. Department of Law Enforcement; training  
 1954 | related to medical use of marijuana.-The Department of Law  
 1955 | Enforcement shall develop a 4-hour online initial training  
 1956 | course, and a 2-hour online continuing education course, which  
 1957 | shall be made available for use by all law enforcement agencies  
 1958 | in this state. Such training shall cover the legal parameters of  
 1959 | marijuana-related activities governed by ss. 381.986 and  
 1960 | 381.988, Florida Statutes, relating to criminal laws governing  
 1961 | marijuana.

1962 |       Section 15. Section 385.212, Florida Statutes, is amended  
 1963 | to read:

1964 |       385.212 Powers and duties of the Department of Health;  
 1965 | Office of Medical Marijuana ~~Compassionate~~ Use.-

1966 |       (1) The Department of Health shall establish an Office of  
 1967 | Medical Marijuana ~~Compassionate~~ Use under the direction of the  
 1968 | Deputy State Health Officer.

1969 |       (2) The Office of Medical Marijuana ~~Compassionate~~ Use may  
 1970 | enhance access to investigational new drugs for Florida patients  
 1971 | through approved clinical treatment plans or studies. The Office  
 1972 | of Medical Marijuana ~~Compassionate~~ Use may:

1973 |       (a) Create a network of state universities and medical  
 1974 | centers recognized pursuant to s. 381.925.

1975 |       (b) Make any necessary application to the United States



1976 Food and Drug Administration or a pharmaceutical manufacturer to  
1977 facilitate enhanced access to medical ~~compassionate~~ use of  
1978 marijuana for Florida patients.

1979 (c) Enter into any agreements necessary to facilitate  
1980 enhanced access to medical ~~compassionate~~ use of marijuana for  
1981 Florida patients.

1982 (3) The department may adopt rules necessary to implement  
1983 this section.

1984 (4) The Office of Medical Marijuana Use shall administer  
1985 and enforce the provisions of s. 381.986.

1986 Section 16. (1) For the 2017-2018 fiscal year, 55 full-  
1987 time equivalent positions, with associated salary rate of  
1988 2,198,860, are authorized and the sums of \$3.5 million in  
1989 nonrecurring funds from the General Revenue Fund and \$4,055,292  
1990 in recurring funds and \$1,238,148 in nonrecurring funds from the  
1991 Grants and Donations Trust Fund are appropriated to the  
1992 Department of Health for the purpose of implementing the  
1993 requirements of this act. Of the funds appropriated, \$3,158,572  
1994 in recurring funds and \$1,238,148 in nonrecurring funds from the  
1995 Grants and Donations Trust Fund and 27 full-time equivalent  
1996 positions shall be placed in reserve. The Department of Health  
1997 is authorized to submit budget amendments requesting the release  
1998 of funds being held in reserve pursuant to chapter 216, Florida  
1999 Statutes contingent upon need and demonstration of fee  
2000 collections to support the budget authority.



2001           (2) For the 2017-2018 fiscal year, the sum of \$10 million  
2002 in nonrecurring funds from the General Revenue Fund is  
2003 appropriated to the Department of Health to implement the  
2004 statewide cannabis and marijuana education and illicit use  
2005 prevention campaign established under s. 381.989, Florida  
2006 Statutes.

2007           (3) For the 2017-2018 fiscal year, the sum of \$5 million  
2008 in nonrecurring funds from the Highway Safety Operating Trust  
2009 Fund are appropriated to the Department of Highway Safety and  
2010 Motor Vehicles to implement the statewide impaired driving  
2011 education campaign established under s. 381.989, Florida  
2012 Statutes.

2013           (4) For the 2017-2018 fiscal year, the sum of \$100,000 in  
2014 recurring funds from the Highway Safety Operating Trust Fund is  
2015 appropriated to the Department of Highway Safety and Motor  
2016 Vehicles for the purpose of training additional law enforcement  
2017 officers as drug recognition experts.

2018           Section 17. This act shall take effect upon becoming a  
2019 law.