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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
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The Committee on Health Policy (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 952 and 953  
insert:

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



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11 preeminent state research university designation pursuant to s.  
12 1001.7065 may possess, test, transport, and lawfully dispose of  
13 marijuana for research purposes as provided by department rule.

14 (11) RULEMAKING.-

15 (a) The department and the applicable boards shall adopt  
16 emergency rules pursuant to s. 120.54(4) and this subsection  
17 necessary to implement this section. If an emergency rule  
18 adopted under this subsection is held to be unconstitutional or  
19 an invalid exercise of delegated legislative authority and  
20 becomes void, the department and the applicable boards may adopt  
21 an emergency rule to replace the rule that has become void. If  
22 the emergency rule adopted to replace the void emergency rule is  
23 also held to be unconstitutional or an invalid exercise of  
24 delegated legislative authority and becomes void, the department  
25 and the applicable boards must follow the nonemergency  
26 rulemaking procedures of the Administrative Procedures Act to  
27 replace the rule that has become void.

28 (b) For emergency rules adopted under this subsection, the  
29 department and the applicable boards need not make the findings  
30 required by s. 120.54(4)(a). Emergency rules adopted under this  
31 subsection are exempt from ss. 120.54(3)(b) and 120.541. The  
32 department and the applicable boards shall meet the procedural  
33 requirements in s. 120.54(2)(a) if the department or the  
34 applicable boards have, before the effective date of this act,  
35 held any public workshops or hearings on the subject matter of  
36 the emergency rules adopted under this subsection. Challenges to  
37 emergency rules adopted under this subsection shall be subject  
38 to the time schedules provided in s. 120.56(5).

39 (c) Emergency rules adopted under this section are exempt



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40 from s. 120.54(4)(c) and shall remain in effect until replaced  
41 by rules adopted under the nonemergency rulemaking procedures of  
42 the Administrative Procedures Act. By January 1, 2018, the  
43 department and the applicable boards shall initiate nonemergency  
44 rulemaking pursuant to the Administrative Procedures Act by  
45 publishing a notice of rule development in the Florida  
46 Administrative Register. Except as provided in paragraph (a),  
47 after January 1, 2018, the department and applicable boards may  
48 not adopt rules pursuant to the emergency rulemaking procedures  
49 provided in this subsection.

50

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

52 And the title is amended as follows:

53       Between lines 56 and 57

54 insert:

55       providing that certain research institutions may  
56       possess, test, transport, and dispose of marijuana  
57       subject to certain conditions and as provided by  
58       department rule; providing for the use of emergency  
59       rulemaking procedures by the department;