

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

26 requirements for registration of, and maintenance of  
27 registered status by, qualified patients and  
28 caregivers; providing criteria for nonresidents to  
29 prove residency for registration as a qualified  
30 patient; defining the term "seasonal resident";  
31 authorizing the department to suspend or revoke the  
32 registration of a patient or caregiver under certain  
33 circumstances; providing requirements for the issuance  
34 of medical marijuana use registry identification  
35 cards; requiring the department to issue licenses to a  
36 certain number of medical marijuana treatment centers;  
37 providing for license renewal and revocation;  
38 providing conditions for change of ownership;  
39 providing for continuance of certain entities  
40 authorized to dispense low-THC cannabis, medical  
41 cannabis, and cannabis delivery devices; requiring a  
42 medical marijuana treatment center to comply with  
43 certain standards in the production and distribution  
44 of edibles; requiring the department to establish,  
45 maintain, and control a computer seed-to-sale  
46 marijuana tracking system; requiring background  
47 screening of owners, officers, board members, and  
48 managers of medical marijuana treatment centers;  
49 requiring the department to establish protocols and  
50 procedures for operation, conduct periodic

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

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

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

126 action; directing the Department of Law Enforcement to  
127 develop training for law enforcement officers and  
128 agencies; amending s. 385.212, F.S.; renaming the  
129 department's Office of Compassionate Use; providing  
130 severability; providing a directive to the Division of  
131 Law Revision and Information; providing  
132 appropriations; providing an effective date.

133

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

135

136 Section 1. Legislative intent.—It is the intent of the  
137 Legislature to implement s. 29, Article X of the State  
138 Constitution by creating a unified regulatory structure. If s.  
139 29, Article X of the State Constitution is amended or a  
140 constitutional amendment related to cannabis or marijuana is  
141 adopted, this act shall expire 6 months after the effective date  
142 of such amendment.

143 Section 2. Present paragraph (1) of subsection (2) of  
144 section 212.08, Florida Statutes, is redesignated as paragraph  
145 (m), and a new paragraph (1) is added to that subsection, to  
146 read:

147 212.08 Sales, rental, use, consumption, distribution, and  
148 storage tax; specified exemptions.—The sale at retail, the  
149 rental, the use, the consumption, the distribution, and the  
150 storage to be used or consumed in this state of the following

151 are hereby specifically exempt from the tax imposed by this  
152 chapter.

153 (2) EXEMPTIONS; MEDICAL.—

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

157 Section 3. Section 381.986, Florida Statutes, is amended  
158 to read:

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

161 381.986 Medical use of marijuana.—

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

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

167 (b) "Chronic nonmalignant pain" means pain that is caused  
168 by a qualifying medical condition or that originates from a  
169 qualifying medical condition and persists beyond the usual  
170 course of that qualifying medical condition.

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

174 (d) "Edibles" means commercially produced food items made  
175 with marijuana oil, but no other form of marijuana, that are

176 produced and dispensed by a medical marijuana treatment center.

177 (e) "Low-THC cannabis" means a plant of the genus  
178 Cannabis, the dried flowers of which contain 0.8 percent or less  
179 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
180 weight for weight; the seeds thereof; the resin extracted from  
181 any part of such plant; or any compound, manufacture, salt,  
182 derivative, mixture, or preparation of such plant or its seeds  
183 or resin that is dispensed from a medical marijuana treatment  
184 center.

185 (f) "Marijuana" means all parts of any plant of the genus  
186 Cannabis, whether growing or not; the seeds thereof; the resin  
187 extracted from any part of the plant; and every compound,  
188 manufacture, salt, derivative, mixture, or preparation of the  
189 plant or its seeds or resin, including low-THC cannabis, which  
190 are dispensed from a medical marijuana treatment center for  
191 medical use by a qualified patient.

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

197 (h) "Marijuana testing laboratory" means a facility that  
198 collects and analyzes marijuana samples from a medical marijuana  
199 treatment center and has been certified by the department  
200 pursuant to s. 381.988.



201        (i) "Medical director" means a person who holds an active,  
202 unrestricted license as an allopathic physician under chapter  
203 458 or osteopathic physician under chapter 459 and is in  
204 compliance with the requirements of paragraph (3)(c).

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

208            1. Possession, use, or administration of marijuana that  
209 was not purchased or acquired from a medical marijuana treatment  
210 center.

211            2. Possession, use, or administration of marijuana in a  
212 form for smoking, in the form of commercially produced food  
213 items other than edibles, or of marijuana seeds or flower,  
214 except for flower in a sealed, tamper-proof receptacle for  
215 vaping.

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

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

222            5. Use or administration of marijuana in the following  
223 locations:

224            a. On any form of public transportation, except for low-  
225 THC cannabis.

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

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

229 d. In a state correctional institution, as defined in s.  
230 944.02, or a correctional institution, as defined in s. 944.241.

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

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

235 (k) "Physician certification" means a qualified  
236 physician's authorization for a qualified patient to receive  
237 marijuana and a marijuana delivery device from a medical  
238 marijuana treatment center.

239 (l) "Qualified patient" means a resident of this state who  
240 has been added to the medical marijuana use registry by a  
241 qualified physician to receive marijuana or a marijuana delivery  
242 device for a medical use and who has a qualified patient  
243 identification card.

244 (m) "Qualified physician" means a person who holds an  
245 active, unrestricted license as an allopathic physician under  
246 chapter 458 or as an osteopathic physician under chapter 459 and  
247 is in compliance with the physician education requirements of  
248 subsection (3).

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

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

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

260 (a) Cancer.

261 (b) Epilepsy.

262 (c) Glaucoma.

263 (d) Positive status for human immunodeficiency virus.

264 (e) Acquired immune deficiency syndrome.

265 (f) Post-traumatic stress disorder.

266 (g) Amyotrophic lateral sclerosis.

267 (h) Crohn's disease.

268 (i) Parkinson's disease.

269 (j) Multiple sclerosis.

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

272 (l) A terminal condition diagnosed by a physician other  
273 than the qualified physician issuing the physician  
274 certification.

275 (m) Chronic nonmalignant pain.

276 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

277 (a) Before being approved as a qualified physician, as  
278 defined in paragraph (1)(m), and before each license renewal, a  
279 physician must successfully complete a 2-hour course and  
280 subsequent examination offered by the Florida Medical  
281 Association or the Florida Osteopathic Medical Association which  
282 encompass the requirements of this section and any rules adopted  
283 hereunder. The course and examination shall be administered at  
284 least annually and may be offered in a distance learning format,  
285 including an electronic, online format that is available upon  
286 request. The price of the course may not exceed \$500. A  
287 physician who has met the physician education requirements of  
288 former s. 381.986(4), Florida Statutes 2016, before the  
289 effective date of this section, shall be deemed to be in  
290 compliance with this paragraph from the effective date of this  
291 act until 90 days after the course and examination required by  
292 this paragraph become available.

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

296 (c) Before being employed as a medical director, as  
297 defined in paragraph (1)(i), and before each license renewal, a  
298 medical director must successfully complete a 2-hour course and  
299 subsequent examination offered by the Florida Medical  
300 Association or the Florida Osteopathic Medical Association which

301 encompass the requirements of this section and any rules adopted  
302 hereunder. The course and examination shall be administered at  
303 least annually and may be offered in a distance learning format,  
304 including an electronic, online format that is available upon  
305 request. The price of the course may not exceed \$500.

306 (4) PHYSICIAN CERTIFICATION.—

307 (a) A qualified physician may issue a physician  
308 certification only if the qualified physician:

309 1. Conducted a physical examination while physically  
310 present in the same room as the patient and a full assessment of  
311 the medical history of the patient.

312 2. Diagnosed the patient with at least one qualifying  
313 medical condition.

314 3. Determined that the medical use of marijuana would  
315 likely outweigh the potential health risks for the patient, and  
316 such determination must be documented in the patient's medical  
317 record. If a patient is younger than 18 years of age, a second  
318 physician must concur with this determination, and such  
319 concurrence must be documented in the patient's medical record.

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

324 5. Reviewed the patient's controlled drug prescription  
325 history in the prescription drug monitoring program database

326 established pursuant to s. 893.055.

327 6. Reviews the medical marijuana use registry and  
328 confirmed that the patient does not have an active physician  
329 certification from another qualified physician.

330 7. Registers as the issuer of the physician certification  
331 for the named qualified patient on the medical marijuana use  
332 registry in an electronic manner determined by the department,  
333 and:

334 a. Enters into the registry the contents of the physician  
335 certification, including the patient's qualifying condition and  
336 the dosage not to exceed the daily dose amount determined by the  
337 department, the amount and forms of marijuana authorized for the  
338 patient, and any types of marijuana delivery devices needed by  
339 the patient for the medical use of marijuana.

340 b. Updates the registry within 7 days after any change is  
341 made to the original physician certification to reflect such  
342 change.

343 c. Deactivates the registration of the qualified patient  
344 and the patient's caregiver when the physician no longer  
345 recommends the medical use of marijuana for the patient.

346 8. Obtains the voluntary and informed written consent of  
347 the patient for medical use of marijuana each time the qualified  
348 physician issues a physician certification for the patient,  
349 which shall be maintained in the patient's medical record. The  
350 patient, or the patient's parent or legal guardian if the

351 patient is a minor, must sign the informed consent acknowledging  
352 that the qualified physician has sufficiently explained its  
353 content. The qualified physician must use a standardized  
354 informed consent form adopted in rule by the Board of Medicine  
355 and the Board of Osteopathic Medicine, which must include, at a  
356 minimum, information related to:

357 a. The Federal Government's classification of marijuana as  
358 a Schedule I controlled substance.

359 b. The approval and oversight status of marijuana by the  
360 Food and Drug Administration.

361 c. The current state of research on the efficacy of  
362 marijuana to treat the qualifying conditions set forth in this  
363 section.

364 d. The potential for addiction.

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

370 f. The potential side effects of marijuana use.

371 g. The risks, benefits, and drug interactions of  
372 marijuana.

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

376 (b) If a qualified physician issues a physician  
377 certification for a qualified patient diagnosed with a  
378 qualifying medical condition pursuant to paragraph (2)(k), the  
379 physician must submit the following to the applicable board  
380 within 14 days after issuing the physician certification:

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

384 2. Documentation that establishes the efficacy of  
385 marijuana as treatment for the condition.

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

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

390  
391 The department must submit such documentation to the Coalition  
392 for Medical Marijuana Research and Education established  
393 pursuant to s. 1004.4351.

394 (c) A qualified physician may not issue a physician  
395 certification for more than three 70-day supply limits of  
396 marijuana. The department shall quantify by rule a daily dose  
397 amount with equivalent dose amounts for each allowable form of  
398 marijuana dispensed by a medical marijuana treatment center. The  
399 department shall use the daily dose amount to calculate a 70-day  
400 supply.



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

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

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

408 c. A description of how the patient will benefit from an  
409 increased amount.

410 d. The minimum daily dose amount of marijuana that would  
411 be sufficient for the treatment of the qualified patient's  
412 qualifying medical condition.

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

415 3. The department shall approve or disapprove the request  
416 within 14 days after receipt of the complete documentation  
417 required by this paragraph. The request shall be deemed approved  
418 if the department fails to act within this time period.

419 (d) A qualified physician must evaluate an existing  
420 qualified patient at least once every 30 weeks before issuing a  
421 new physician certification. A physician must:

422 1. Determine if the patient still meets the requirements  
423 to be issued a physician certification under paragraph (a).

424 2. Identify and document in the qualified patient's  
425 medical records whether the qualified patient experienced either

426 of the following related to the medical use of marijuana:  
427 a. An adverse drug interaction with any prescription or  
428 nonprescription medication; or  
429 b. A reduction in the use of, or dependence on, other  
430 types of controlled substances as defined in s. 893.02.  
431 3. Submit a report with the findings required pursuant to  
432 subparagraph 2. to the department. The department shall submit  
433 such reports to the Coalition for Medical Marijuana Research and  
434 Education established pursuant to s. 1004.4351.  
435 (e) An active order for low-THC cannabis or medical  
436 cannabis issued pursuant to former s. 381.986, Florida Statutes  
437 2016, and registered with the compassionate use registry before  
438 the effective date of this section, is deemed a physician  
439 certification, and all patients possessing such orders are  
440 deemed qualified patients until the department begins issuing  
441 medical marijuana use registry identification cards.  
442 (f) The department shall monitor physician registration in  
443 the medical marijuana use registry and the issuance of physician  
444 certifications for practices that could facilitate unlawful  
445 diversion or misuse of marijuana or a marijuana delivery device  
446 and shall take disciplinary action as appropriate.  
447 (g) The Board of Medicine and the Board of Osteopathic  
448 Medicine shall jointly create a physician certification pattern  
449 review panel that shall review all physician certifications  
450 submitted to the medical marijuana use registry. The panel shall

451 track and report the number of physician certifications and the  
452 qualifying medical conditions, dosage, supply amount, and form  
453 of marijuana certified. The panel shall report the data both by  
454 individual qualified physician and in the aggregate, by county,  
455 and statewide. The physician certification pattern review panel  
456 shall, beginning January 1, 2018, submit an annual report of its  
457 findings and recommendations to the Governor, the President of  
458 the Senate, and the Speaker of the House of Representatives.

459 (h) The department, the Board of Medicine, and the Board  
460 of Osteopathic Medicine may adopt rules pursuant to ss.  
461 120.536(1) and 120.54 to implement this subsection.

462 (5) MEDICAL MARIJUANA USE REGISTRY.—

463 (a) The department shall create and maintain a secure,  
464 electronic, and online medical marijuana use registry for  
465 physicians, patients, and caregivers as provided under this  
466 section. The medical marijuana use registry must be accessible  
467 to law enforcement agencies, qualified physicians, and medical  
468 marijuana treatment centers to verify the authorization of a  
469 qualified patient or a caregiver to possess marijuana or a  
470 marijuana delivery device and record the marijuana or marijuana  
471 delivery device dispensed. The medical marijuana use registry  
472 must also be accessible to practitioners licensed to prescribe  
473 prescription drugs to ensure proper care for patients before  
474 medications that may interact with the medical use of marijuana  
475 are prescribed. The medical marijuana use registry must prevent

476 an active registration of a qualified patient by multiple  
477 physicians.

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

482 1. An adult resident must provide the department with a  
483 copy of his or her valid Florida driver license issued under s.  
484 322.18 or a copy of a valid Florida identification card issued  
485 under s. 322.051.

486 2. An adult seasonal resident who cannot meet the  
487 requirements of subparagraph 1. may provide the department with  
488 a copy of two of the following that show proof of residential  
489 address:

490 a. A deed, mortgage, monthly mortgage statement, mortgage  
491 payment booklet or residential rental or lease agreement.

492 b. One proof of residential address from the seasonal  
493 resident's parent, step-parent, legal guardian or other person  
494 with whom the seasonal resident resides and a statement from the  
495 person with whom the seasonal resident resides stating that the  
496 seasonal resident does reside with him or her.

497 c. A utility hookup or work order dated within 60 days  
498 before registration in the medical use registry.

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

500 e. Mail from a financial institution, including checking,

501 savings, or investment account statements, not more than 2  
502 months old.

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

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

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

511  
512 For the purposes of this paragraph, the term "seasonal resident"  
513 means any person who temporarily resides in this state for a  
514 period of at least 31 consecutive days in each calendar year,  
515 maintains a temporary residence in this state, returns to the  
516 state or jurisdiction of his or her residence at least one time  
517 during each calendar year, and is registered to vote or pays  
518 income tax in another state or jurisdiction.

519 (c) The department may suspend or revoke the registration  
520 of a qualified patient or caregiver if the qualified patient or  
521 caregiver:

522 1. Provides misleading, incorrect, false, or fraudulent  
523 information to the department;

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

526 3. Falsifies, alters, or otherwise modifies an  
527 identification card;

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

530 5. Violates the requirements of this section or any rule  
531 adopted under this section.

532 (d) The department shall immediately suspend the  
533 registration of a qualified patient charged with a violation of  
534 chapter 893 until final disposition of any alleged offense.  
535 Thereafter, the department may extend the suspension, revoke the  
536 registration, or reinstate the registration.

537 (e) The department shall immediately suspend the  
538 registration of any caregiver charged with a violation of  
539 chapter 893 until final disposition of any alleged offense. The  
540 department shall revoke a caregiver registration if the  
541 caregiver does not meet the requirements of subparagraph

542 (6) (b) 6.

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

547 (g) The department shall revoke the registration of a  
548 qualified patient, and the patient's associated caregiver, upon  
549 notification that the patient no longer meets the criteria of a  
550 qualified patient.

551 (h) The department may adopt rules pursuant to ss.  
552 120.536(1) and 120.54 to implement this subsection.

553 (6) CAREGIVERS.—

554 (a) The department must register an individual as a  
555 caregiver on the medical marijuana use registry and issue a  
556 caregiver identification card if an individual designated by a  
557 qualified patient meets all of the requirements of this  
558 subsection and department rule.

559 (b) A caregiver must:

560 1. Not be a qualified physician and not be employed by or  
561 have an economic interest in a medical marijuana treatment  
562 center or a marijuana testing laboratory.

563 2. Be 21 years of age or older and a resident of this  
564 state.

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

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

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

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

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

579 1. The qualified patient is a minor and the designated  
580 caregivers are parents or legal guardians of the qualified  
581 patient;

582 2. The qualified patient is an adult who has an  
583 intellectual or developmental disability that prevents the  
584 patient from being able to protect or care for himself or  
585 herself without assistance or supervision and the designated  
586 caregivers are the parents or legal guardians of the qualified  
587 patient; or

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

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

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

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

599 3. All qualified patients the caregiver has agreed to  
600 assist are admitted to a hospice program and have requested the



601 assistance of that caregiver with the medical use of marijuana;  
602 the caregiver is an employee of the hospice; and the caregiver  
603 provides personal care or other services directly to clients of  
604 the hospice in the scope of that employment.

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

608 (f) If a qualified patient is younger than 18 years of  
609 age, only a caregiver may purchase or administer marijuana for  
610 medical use by the qualified patient. The qualified patient may  
611 not purchase marijuana.

612 (g) A caregiver must be in immediate possession of his or  
613 her medical marijuana use registry identification card at all  
614 times when in possession of marijuana or a marijuana delivery  
615 device and must present his or her medical marijuana use  
616 registry identification card upon the request of a law  
617 enforcement officer.

618 (h) The department may adopt rules pursuant to ss.  
619 120.536(1) and 120.54 to implement this subsection.

620 (7) IDENTIFICATION CARDS.—

621 (a) The department shall issue medical marijuana use  
622 registry identification cards for qualified patients and  
623 caregivers who are residents of this state, which must be  
624 renewed annually. The identification cards must be resistant to  
625 counterfeiting and tampering and must include, at a minimum, the

626 following:

627 1. The name, address, and date of birth of the qualified  
628 patient or caregiver.

629 2. A full-face, passport-type, color photograph of the  
630 qualified patient or caregiver taken within the 90 days  
631 immediately preceding registration or the Florida driver license  
632 or Florida identification card photograph of the qualified  
633 patient or caregiver obtained directly from the Department of  
634 Highway Safety and Motor Vehicles.

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

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

638 5. For a caregiver, the name and unique numeric identifier  
639 of the caregiver and the qualified patient or patients that the  
640 caregiver is assisting.

641 6. The expiration date of the identification card.

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

645 (c) The department shall adopt rules pursuant to ss.  
646 120.536(1) and 120.54 establishing procedures for the issuance,  
647 renewal, suspension, replacement, surrender, and revocation of  
648 medical marijuana use registry identification cards pursuant to  
649 this section and shall begin issuing qualified patient  
650 identification cards by October 3, 2017.

651        (d) Applications for identification cards must be  
652 submitted on a form prescribed by the department. The department  
653 may charge a reasonable fee associated with the issuance,  
654 replacement, and renewal of identification cards. The department  
655 shall allocate \$10 of the identification card fee to the  
656 Division of Research at Florida Agricultural and Mechanical  
657 University for the purpose of educating minorities about  
658 marijuana for medical use and the impact of the unlawful use of  
659 marijuana on minority communities. The department may contract  
660 with a third-party vendor to issue identification cards. The  
661 vendor selected by the department must have experience  
662 performing similar functions for other state agencies.

663        (e) A qualified patient or caregiver shall return his or  
664 her identification card to the department within 5 business days  
665 after revocation.

666        (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

667        (a) The department shall license medical marijuana  
668 treatment centers to ensure reasonable statewide accessibility  
669 and availability as necessary for qualified patients registered  
670 in the medical marijuana use registry and who are issued a  
671 physician certification under this section.

672        1. As soon as practicable, but no later than July 3, 2017,  
673 the department shall license as a medical marijuana treatment  
674 center any entity that holds an active, unrestricted license to  
675 cultivate, process, transport, and dispense low-THC cannabis,

676 medical cannabis, and cannabis delivery devices, under former s.  
677 381.986, Florida Statutes 2016, before July 1, 2017, and which  
678 meets the requirements of this section. In addition to the  
679 authority granted under this section, these entities are  
680 authorized to dispense low-THC cannabis, medical cannabis, and  
681 cannabis delivery devices ordered pursuant to former s. 381.986,  
682 Florida Statutes 2016, which were entered into the compassionate  
683 use registry before July 1, 2017, and are authorized to begin  
684 dispensing marijuana under this section on July 3, 2017. The  
685 department may grant variances from the representations made in  
686 such an entity's original application for approval under former  
687 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

688 2. The department shall license as medical marijuana  
689 treatment centers 10 applicants that meet the requirements of  
690 this section, under the following parameters:

691 a. As soon as practicable, but no later than August 1,  
692 2017, the department shall license any applicant whose  
693 application was reviewed, evaluated, and scored by the  
694 department and which was denied a dispensing organization  
695 license by the department under former s. 381.986, Florida  
696 Statutes 2014; which had one or more administrative or judicial  
697 challenges pending as of January 1, 2017, or had a final ranking  
698 within one point of the highest final ranking in its region  
699 under former s. 381.986, Florida Statutes 2014; which meets the  
700 requirements of this section; and which provides documentation

701 to the department that it has the existing infrastructure and  
702 technical and technological ability to begin cultivating  
703 marijuana within 30 days after registration as a medical  
704 marijuana treatment center.

705 b. As soon as practicable, but no later than October 3,  
706 2017, the department shall license one applicant that is a  
707 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82  
708 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1  
709 (D.D.C. 2011) and is a member of the Black Farmers and  
710 Agriculturalists Association-Florida Chapter. An applicant  
711 licensed under this sub-subparagraph is exempt from the  
712 requirements of subparagraphs (b)1. and (b)2.

713 c. As soon as practicable, but no later than October 3,  
714 2017, the department shall license applicants that meet the  
715 requirements of this section in sufficient numbers to result in  
716 10 total licenses issued under this subparagraph, while  
717 accounting for the number of licenses issued under sub-  
718 subparagraphs a. and b.

719 3. For up to two of the licenses issued under subparagraph  
720 2., the department shall give preference to applicants that  
721 demonstrate in their applications that they own one or more  
722 facilities that are, or were, used for the canning,  
723 concentrating, or otherwise processing of citrus fruit or citrus  
724 molasses and will use or convert the facility or facilities for  
725 the processing of marijuana.

726       4. Within 6 months after the registration of 100,000  
727 active qualified patients in the medical marijuana use registry,  
728 the department shall license four additional medical marijuana  
729 treatment centers that meet the requirements of this section.  
730 Thereafter, the department shall license four medical marijuana  
731 treatment centers within 6 months after the registration of each  
732 additional 100,000 active qualified patients in the medical  
733 marijuana use registry that meet the requirements of this  
734 section.

735       5. Dispensing facilities are subject to the following  
736 requirements:

737       a. A medical marijuana treatment center may not establish  
738 or operate more than a statewide maximum of 25 dispensing  
739 facilities, unless the medical marijuana use registry reaches a  
740 total of 100,000 active registered qualified patients. When the  
741 medical marijuana use registry reaches 100,000 active registered  
742 qualified patients, and then upon each further instance of the  
743 total active registered qualified patients increasing by  
744 100,000, the statewide maximum number of dispensing facilities  
745 that each licensed medical marijuana treatment center may  
746 establish and operate increases by five.

747       b. A medical marijuana treatment center may not establish  
748 more than the maximum number of dispensing facilities allowed in  
749 each of the Northwest, Northeast, Central, Southwest, and  
750 Southeast Regions. The department shall determine a medical

751 marijuana treatment center's maximum number of dispensing  
752 facilities allowed in each region by calculating the percentage  
753 of the total statewide population contained within that region  
754 and multiplying that percentage by the medical marijuana  
755 treatment center's statewide maximum number of dispensing  
756 facilities established under sub-subparagraph a., rounded to the  
757 nearest whole number. The department shall ensure that such  
758 rounding does not cause a medical marijuana treatment center's  
759 total number of statewide dispensing facilities to exceed its  
760 statewide maximum. The department shall initially calculate the  
761 maximum number of dispensing facilities allowed in each region  
762 for each medical marijuana treatment center using county  
763 population estimates from the Florida Estimates of Population  
764 2016, as published by the Office of Economic and Demographic  
765 Research, and shall perform recalculations following the  
766 official release of county population data resulting from each  
767 United States Decennial Census. For the purposes of this  
768 subparagraph:

769 (I) The Northwest Region consists of Bay, Calhoun,  
770 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,  
771 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
772 Walton, and Washington Counties.

773 (II) The Northeast Region consists of Alachua, Baker,  
774 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,  
775 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,

776 Suwannee, and Union Counties.

777 (III) The Central Region consists of Brevard, Citrus,  
778 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,  
779 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia  
780 Counties.

781 (IV) The Southwest Region consists of Charlotte, Collier,  
782 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,  
783 Okeechobee, and Sarasota Counties.

784 (V) The Southeast Region consists of Broward, Miami-Dade,  
785 Martin, Monroe, and Palm Beach Counties.

786 c. If a medical marijuana treatment center establishes a  
787 number of dispensing facilities within a region that is less  
788 than the number allowed for that region under sub-subparagraph  
789 b., the medical marijuana treatment center may sell one or more  
790 of its unused dispensing facility slots to other licensed  
791 medical marijuana treatment centers. For each dispensing  
792 facility slot that a medical marijuana treatment center sells,  
793 that medical marijuana treatment center's statewide maximum  
794 number of dispensing facilities, as determined under sub-  
795 subparagraph a., is reduced by one. The statewide maximum number  
796 of dispensing facilities for a medical marijuana treatment  
797 center that purchases an unused dispensing facility slot is  
798 increased by one per slot purchased. Additionally, the sale of a  
799 dispensing facility slot shall reduce the seller's regional  
800 maximum and increase the purchaser's regional maximum number of



801 dispensing facilities, as determined in sub-subparagraph b., by  
802 one for that region. For any slot purchased under this sub-  
803 subparagraph, the regional restriction applied to that slot's  
804 location under sub-subparagraph b. before the purchase shall  
805 remain in effect following the purchase. A medical marijuana  
806 treatment center that sells or purchases a dispensing facility  
807 slot must notify the department within 3 days of sale.

808 d. This subparagraph shall expire on April 1, 2020.

809  
810 If this subparagraph or its application to any person or  
811 circumstance is held invalid, the invalidity does not affect  
812 other provisions or applications of this act which can be given  
813 effect without the invalid provision or application, and to this  
814 end, the provisions of this subparagraph are severable.

815 (b) An applicant for licensure as a medical marijuana  
816 treatment center shall apply to the department on a form  
817 prescribed by the department and adopted in rule. The department  
818 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
819 establishing a procedure for the issuance and biennial renewal  
820 of licenses, including initial application and biennial renewal  
821 fees sufficient to cover the costs of implementing and  
822 administering this section and ss. 381.989 and 1004.4351. The  
823 department shall identify applicants with strong diversity plans  
824 reflecting this state's commitment to diversity and implement  
825 training programs and other educational programs to enable

826 minority persons and minority business enterprises, as defined  
827 in s. 288.703, and veteran business enterprises, as defined in  
828 s. 295.187, to compete for medical marijuana treatment center  
829 licensure and contracts. Subject to the requirements in  
830 subparagraphs (a)2.-4., the department shall issue a license to  
831 an applicant if the applicant meets the requirements of this  
832 section and pays the initial application fee. The department  
833 shall renew the licensure of a medical marijuana treatment  
834 center biennially if the licensee meets the requirements of this  
835 section and pays the biennial renewal fee. An individual may not  
836 be an applicant, owner, officer, board member, or manager on  
837 more than one application for licensure as a medical marijuana  
838 treatment center. An individual or entity may not be awarded  
839 more than one license as a medical marijuana treatment center.  
840 An applicant for licensure as a medical marijuana treatment  
841 center must demonstrate:

842 1. That, for the 5 consecutive years before submitting the  
843 application, the applicant has been registered to do business in  
844 in the state.

845 2. Possession of a valid certificate of registration  
846 issued by the Department of Agriculture and Consumer Services  
847 pursuant to s. 581.131.

848 3. The technical and technological ability to cultivate  
849 and produce marijuana, including, but not limited to, low-THC  
850 cannabis.

851       4. The ability to secure the premises, resources, and  
852 personnel necessary to operate as a medical marijuana treatment  
853 center.

854       5. The ability to maintain accountability of all raw  
855 materials, finished products, and any byproducts to prevent  
856 diversion or unlawful access to or possession of these  
857 substances.

858       6. An infrastructure reasonably located to dispense  
859 marijuana to registered qualified patients statewide or  
860 regionally as determined by the department.

861       7. The financial ability to maintain operations for the  
862 duration of the 2-year approval cycle, including the provision  
863 of certified financial statements to the department.

864       a. Upon approval, the applicant must post a \$5 million  
865 performance bond issued by an authorized surety insurance  
866 company rated in one of the three highest rating categories by a  
867 nationally recognized rating service. However, a medical  
868 marijuana treatment center serving at least 1,000 qualified  
869 patients is only required to maintain a \$2 million performance  
870 bond.

871       b. In lieu of the performance bond required under sub-  
872 subparagraph a., the applicant may provide an irrevocable letter  
873 of credit payable to the department or provide cash to the  
874 department. If provided with cash under this sub-subparagraph,  
875 the department shall deposit the cash with the state treasury

876 for safekeeping. If the deposited funds generate interest, the  
877 amount of the interest shall be annually transferred to the  
878 department for the administration of this section.

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

881 9. The employment of a medical director to supervise the  
882 activities of the medical marijuana treatment center.

883 10. A diversity plan that promotes and ensures the  
884 involvement of minority persons and minority business  
885 enterprises, as defined in s. 288.703, or veteran business  
886 enterprises, as defined in s. 295.187, in ownership, management,  
887 and employment. An applicant for licensure renewal must show the  
888 effectiveness of the diversity plan by including the following  
889 with his or her application for renewal:

890 a. Representation of minority persons and veterans in the  
891 medical marijuana treatment center's workforce;

892 b. Efforts to recruit minority persons and veterans for  
893 employment; and

894 c. A record of contracts for services with minority  
895 business enterprises and veteran business enterprises.

896 (c) A medical marijuana treatment center may not make a  
897 wholesale purchase of marijuana from, or a distribution of  
898 marijuana to, another medical marijuana treatment center, unless  
899 the medical marijuana treatment center seeking to make a  
900 wholesale purchase of marijuana submits proof of harvest failure

901 to the department.

902 (d) The department shall establish, maintain, and control  
903 a computer software tracking system that traces marijuana from  
904 seed to sale and allows real-time, 24-hour access by the  
905 department to data from all medical marijuana treatment centers  
906 and marijuana testing laboratories. The tracking system must  
907 allow for integration of other seed-to-sale systems and, at a  
908 minimum, include notification of when marijuana seeds are  
909 planted, when marijuana plants are harvested and destroyed, and  
910 when marijuana is transported, sold, stolen, diverted, or lost.  
911 Each medical marijuana treatment center shall use the seed-to-  
912 sale tracking system established by the department or integrate  
913 its own seed-to-sale tracking system with the seed-to-sale  
914 tracking system established by the department. Each medical  
915 marijuana treatment center may use its own seed-to-sale system  
916 until the department establishes a seed-to-sale tracking system.  
917 The department may contract with a vendor to establish the seed-  
918 to-sale tracking system. The vendor selected by the department  
919 may not have a contractual relationship with the department to  
920 perform any services pursuant to this section other than the  
921 seed-to-sale tracking system. The vendor may not have a direct  
922 or indirect financial interest in a medical marijuana treatment  
923 center or a marijuana testing laboratory.

924 (e) A licensed medical marijuana treatment center shall  
925 cultivate, process, transport, and dispense marijuana for

926 medical use. A licensed medical marijuana treatment center may  
927 not contract for services directly related to the cultivation,  
928 processing, and dispensing of marijuana or marijuana delivery  
929 devices, except that a medical marijuana treatment center  
930 licensed pursuant to subparagraph (a)1. may contract with a  
931 single entity for the cultivation, processing, transporting, and  
932 dispensing of marijuana and marijuana delivery devices. A  
933 licensed medical marijuana treatment center must, at all times,  
934 maintain compliance with the criteria demonstrated and  
935 representations made in the initial application and the criteria  
936 established in this subsection. Upon request, the department may  
937 grant a medical marijuana treatment center a variance from the  
938 representations made in the initial application. Consideration  
939 of such a request shall be based upon the individual facts and  
940 circumstances surrounding the request. A variance may not be  
941 granted unless the requesting medical marijuana treatment center  
942 can demonstrate to the department that it has a proposed  
943 alternative to the specific representation made in its  
944 application which fulfills the same or a similar purpose as the  
945 specific representation in a way that the department can  
946 reasonably determine will not be a lower standard than the  
947 specific representation in the application. A variance may not  
948 be granted from the requirements in subparagraph 2. and  
949 subparagraphs (b)1. and 2.

950 1. A licensed medical marijuana treatment center may

951 transfer ownership to an individual or entity who meets the  
952 requirements of this section. A publicly traded corporation or  
953 publicly traded company that meets the requirements of this  
954 section is not precluded from ownership of a medical marijuana  
955 treatment center. To accommodate a change in ownership:

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

959 b. The individual or entity applying for initial licensure  
960 due to a change of ownership must submit an application that  
961 must be received by the department at least 60 days before the  
962 date of change of ownership.

963 c. Upon receipt of an application for a license, the  
964 department shall examine the application and, within 30 days  
965 after receipt, notify the applicant in writing of any apparent  
966 errors or omissions and request any additional information  
967 required.

968 d. Requested information omitted from an application for  
969 licensure must be filed with the department within 21 days after  
970 the department's request for omitted information or the  
971 application shall be deemed incomplete and shall be withdrawn  
972 from further consideration and the fees shall be forfeited.

973  
974 Within 30 days after the receipt of a complete application, the  
975 department shall approve or deny the application.

976        2. A medical marijuana treatment center, and any  
977 individual or entity who directly or indirectly owns, controls,  
978 or holds with power to vote 5 percent or more of the voting  
979 shares of a medical marijuana treatment center, may not acquire  
980 direct or indirect ownership or control of any voting shares or  
981 other form of ownership of any other medical marijuana treatment  
982 center.

983        3. A medical marijuana treatment center may not enter into  
984 any form of profit-sharing arrangement with the property owner  
985 or lessor of any of its facilities where cultivation,  
986 processing, storing, or dispensing of marijuana and marijuana  
987 delivery devices occurs.

988        4. All employees of a medical marijuana treatment center  
989 must be 21 years of age or older and have passed a background  
990 screening pursuant to subsection (9).

991        5. Each medical marijuana treatment center must adopt and  
992 enforce policies and procedures to ensure employees and  
993 volunteers receive training on the legal requirements to  
994 dispense marijuana to qualified patients.

995        6. When growing marijuana, a medical marijuana treatment  
996 center:

997        a. May use pesticides determined by the department, after  
998 consultation with the Department of Agriculture and Consumer  
999 Services, to be safely applied to plants intended for human  
1000 consumption, but may not use pesticides designated as



1001 restricted-use pesticides pursuant to s. 487.042.

1002 b. Must grow marijuana within an enclosed structure and in

1003 a room separate from any other plant.

1004 c. Must inspect seeds and growing plants for plant pests

1005 that endanger or threaten the horticultural and agricultural

1006 interests of the state in accordance with chapter 581 and any

1007 rules adopted thereunder.

1008 d. Must perform fumigation or treatment of plants, or

1009 remove and destroy infested or infected plants, in accordance

1010 with chapter 581 and any rules adopted thereunder.

1011 7. Each medical marijuana treatment center must produce

1012 and make available for purchase at least one low-THC cannabis

1013 product.

1014 8. A medical marijuana treatment center that produces

1015 edibles must hold a permit to operate as a food establishment

1016 pursuant to chapter 500, the Florida Food Safety Act, and must

1017 comply with all the requirements for food establishments

1018 pursuant to chapter 500 and any rules adopted thereunder.

1019 Edibles may not contain more than 200 milligrams of

1020 tetrahydrocannabinol and a single serving portion of an edible

1021 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

1022 may have a potency variance of no greater than 15 percent.

1023 Edibles may not be attractive to children; be manufactured in

1024 the shape of humans, cartoons, or animals; be manufactured in a

1025 form that bears any reasonable resemblance to products available

1026 for consumption as commercially available candy; or contain any  
1027 color additives. To discourage consumption of edibles by  
1028 children, the department shall determine by rule any shapes,  
1029 forms, and ingredients allowed and prohibited for edibles.

1030 Medical marijuana treatment centers may not begin processing or  
1031 dispensing edibles until after the effective date of the rule.  
1032 The department shall also adopt sanitation rules providing the  
1033 standards and requirements for the storage, display, or  
1034 dispensing of edibles.

1035 9. When processing marijuana, a medical marijuana  
1036 treatment center must:

1037 a. Process the marijuana within an enclosed structure and  
1038 in a room separate from other plants or products.

1039 b. Not use a hydrocarbon based solvent, such as butane,  
1040 hexane, or propane, to extract or separate resin from marijuana.

1041 c. Test the processed marijuana using a medical marijuana  
1042 testing laboratory before it is dispensed. Results must be  
1043 verified and signed by two medical marijuana treatment center  
1044 employees. Before dispensing, the medical marijuana treatment  
1045 center must determine that the test results indicate that low-  
1046 THC cannabis meets the definition of low-THC cannabis, the  
1047 concentration of tetrahydrocannabinol meets the potency  
1048 requirements of this section, the labeling of the concentration  
1049 of tetrahydrocannabinol and cannabidiol is accurate, and all  
1050 marijuana is safe for human consumption and free from

1051 contaminants that are unsafe for human consumption. The  
1052 department shall determine by rule which contaminants must be  
1053 tested for and the maximum levels of each contaminant which are  
1054 safe for human consumption. The Department of Agriculture and  
1055 Consumer Services shall assist the department in developing the  
1056 testing requirements for contaminants that are unsafe for human  
1057 consumption in edibles. The department shall also determine by  
1058 rule the procedures for the treatment of marijuana that fails to  
1059 meet the testing requirements of this section, s. 381.988, or  
1060 department rule. The department may select a random sample from  
1061 edibles available for purchase in a dispensing facility that  
1062 shall be tested by the department to determine that the edible  
1063 meets the potency requirements of this section, is safe for  
1064 human consumption, and the labeling of the tetrahydrocannabinol  
1065 and cannabidiol concentration is accurate. A medical marijuana  
1066 treatment center may not require payment from the department for  
1067 the sample. A medical marijuana treatment center must recall  
1068 edibles, including all edibles made from the same batch of  
1069 marijuana, which fail to meet the potency requirements of this  
1070 section, which are unsafe for human consumption, or for which  
1071 the labeling of the tetrahydrocannabinol and cannabidiol  
1072 concentration is inaccurate. The medical marijuana treatment  
1073 center must retain records of all testing and samples of each  
1074 homogenous batch of marijuana for at least 9 months. The medical  
1075 marijuana treatment center must contract with a marijuana

1076 testing laboratory to perform audits on the medical marijuana  
1077 treatment center's standard operating procedures, testing  
1078 records, and samples and provide the results to the department  
1079 to confirm that the marijuana or low-THC cannabis meets the  
1080 requirements of this section and that the marijuana or low-THC  
1081 cannabis is safe for human consumption. A medical marijuana  
1082 treatment center shall reserve two processed samples from each  
1083 batch and retain such samples for at least 9 months for the  
1084 purpose of such audits. A medical marijuana treatment center may  
1085 use a laboratory that has not been certified by the department  
1086 under s. 381.988 until such time as at least one laboratory  
1087 holds the required certification, but in no event later than  
1088 July 1, 2018.

1089 d. Package the marijuana in compliance with the United  
1090 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
1091 1471 et seq.

1092 e. Package the marijuana in a receptacle that has a firmly  
1093 affixed and legible label stating the following information:

1094 (I) The marijuana or low-THC cannabis meets the  
1095 requirements of sub-subparagraph c.

1096 (II) The name of the medical marijuana treatment center  
1097 from which the marijuana originates.

1098 (III) The batch number and harvest number from which the  
1099 marijuana originates and the date dispensed.

1100 (IV) The name of the physician who issued the physician

1101 certification.

1102 (V) The name of the patient.

1103 (VI) The product name, if applicable, and dosage form,  
1104 including concentration of tetrahydrocannabinol and cannabidiol.  
1105 The product name may not contain wording commonly associated  
1106 with products marketed by or to children.

1107 (VII) The recommended dose.

1108 (VIII) A warning that it is illegal to transfer medical  
1109 marijuana to another person.

1110 (IX) A marijuana universal symbol developed by the  
1111 department.

1112 10. The medical marijuana treatment center shall include  
1113 in each package a patient package insert with information on the  
1114 specific product dispensed related to:

1115 a. Clinical pharmacology.

1116 b. Indications and use.

1117 c. Dosage and administration.

1118 d. Dosage forms and strengths.

1119 e. Contraindications.

1120 f. Warnings and precautions.

1121 g. Adverse reactions.

1122 11. Each edible shall be individually sealed in plain,  
1123 opaque wrapping marked only with the marijuana universal symbol.  
1124 Where practical, each edible shall be marked with the marijuana  
1125 universal symbol. In addition to the packaging and labeling

1126 requirements in subparagraphs 9. and 10., edible receptacles  
1127 must be plain, opaque, and white without depictions of the  
1128 product or images other than the medical marijuana treatment  
1129 center's department-approved logo and the marijuana universal  
1130 symbol. The receptacle must also include a list all of the  
1131 edible's ingredients, storage instructions, an expiration date,  
1132 a legible and prominent warning to keep away from children and  
1133 pets, and a warning that the edible has not been produced or  
1134 inspected pursuant to federal food safety laws.

1135 12. When dispensing marijuana or a marijuana delivery  
1136 device, a medical marijuana treatment center:

1137 a. May dispense any active, valid order for low-THC  
1138 cannabis, medical cannabis and cannabis delivery devices issued  
1139 pursuant to former s. 381.986, Florida Statutes 2016, which was  
1140 entered into the medical marijuana use registry before July 1,  
1141 2017.

1142 b. May not dispense more than a 70-day supply of marijuana  
1143 to a qualified patient or caregiver.

1144 c. Must have the medical marijuana treatment center's  
1145 employee who dispenses the marijuana or a marijuana delivery  
1146 device enter into the medical marijuana use registry his or her  
1147 name or unique employee identifier.

1148 d. Must verify that the qualified patient and the  
1149 caregiver, if applicable, each has an active registration in the  
1150 medical marijuana use registry and an active and valid medical

1151 marijuana use registry identification card, the amount and type  
1152 of marijuana dispensed matches the physician certification in  
1153 the medical marijuana use registry for that qualified patient,  
1154 and the physician certification has not already been filled.

1155 e. May not dispense marijuana to a qualified patient who  
1156 is younger than 18 years of age. If the qualified patient is  
1157 younger than 18 years of age, marijuana may only be dispensed to  
1158 the qualified patient's caregiver.

1159 f. May not dispense or sell any other type of cannabis,  
1160 alcohol, or illicit drug-related product, including pipes,  
1161 bongs, or wrapping papers, other than a marijuana delivery  
1162 device required for the medical use of marijuana and which is  
1163 specified in a physician certification.

1164 g. Must, upon dispensing the marijuana or marijuana  
1165 delivery device, record in the registry the date, time,  
1166 quantity, and form of marijuana dispensed; the type of marijuana  
1167 delivery device dispensed; and the name and medical marijuana  
1168 use registry identification number of the qualified patient or  
1169 caregiver to whom the marijuana delivery device was dispensed.

1170 h. Must ensure that patient records are not visible to  
1171 anyone other than the qualified patient, his or her caregiver,  
1172 and authorized medical marijuana treatment center employees.

1173 (f) To ensure the safety and security of premises where  
1174 the cultivation, processing, storing, or dispensing of marijuana  
1175 occurs, and to maintain adequate controls against the diversion,

1176 theft, and loss of marijuana or marijuana delivery devices, a  
1177 medical marijuana treatment center shall:

1178 1.a. Maintain a fully operational security alarm system  
1179 that secures all entry points and perimeter windows and is  
1180 equipped with motion detectors; pressure switches; and duress,  
1181 panic, and hold-up alarms; and

1182 b. Maintain a video surveillance system that records  
1183 continuously 24 hours a day and meets the following criteria:

1184 (I) Cameras are fixed in a place that allows for the clear  
1185 identification of persons and activities in controlled areas of  
1186 the premises. Controlled areas include grow rooms, processing  
1187 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
1188 rooms.

1189 (II) Cameras are fixed in entrances and exits to the  
1190 premises, which shall record from both indoor and outdoor, or  
1191 ingress and egress, vantage points.

1192 (III) Recorded images must clearly and accurately display  
1193 the time and date.

1194 (IV) Retain video surveillance recordings for at least 45  
1195 days or longer upon the request of a law enforcement agency.

1196 2. Ensure that the medical marijuana treatment center's  
1197 outdoor premises have sufficient lighting from dusk until dawn.

1198 3. Ensure that the indoor premises where dispensing occurs  
1199 includes a waiting area with sufficient space and seating to  
1200 accommodate qualified patients and caregivers and at least one



1201 private consultation area that is isolated from the waiting area  
1202 and area where dispensing occurs. A medical marijuana treatment  
1203 center may not display products or dispense marijuana or  
1204 marijuana delivery devices in the waiting area.

1205 4. Not dispense from its premises marijuana or a marijuana  
1206 delivery device between the hours of 9 p.m. and 7 a.m., but may  
1207 perform all other operations and deliver marijuana to qualified  
1208 patients 24 hours a day.

1209 5. Store marijuana in a secured, locked room or a vault.

1210 6. Require at least two of its employees, or two employees  
1211 of a security agency with whom it contracts, to be on the  
1212 premises at all times where cultivation, processing, or storing  
1213 of marijuana occurs.

1214 7. Require each employee or contractor to wear a photo  
1215 identification badge at all times while on the premises.

1216 8. Require each visitor to wear a visitor pass at all  
1217 times while on the premises.

1218 9. Implement an alcohol and drug-free workplace policy.

1219 10. Report to local law enforcement within 24 hours after  
1220 the medical marijuana treatment center is notified or becomes  
1221 aware of the theft, diversion, or loss of marijuana.

1222 (g) To ensure the safe transport of marijuana and  
1223 marijuana delivery devices to medical marijuana treatment  
1224 centers, marijuana testing laboratories, or qualified patients,  
1225 a medical marijuana treatment center must:

1226        1. Maintain a marijuana transportation manifest in any  
1227 vehicle transporting marijuana. The marijuana transportation  
1228 manifest must be generated from a medical marijuana treatment  
1229 center's seed-to-sale tracking system and include the:  
1230            a. Departure date and approximate time of departure.  
1231            b. Name, location address, and license number of the  
1232 originating medical marijuana treatment center.  
1233            c. Name and address of the recipient of the delivery.  
1234            d. Quantity and form of any marijuana or marijuana  
1235 delivery device being transported.  
1236            e. Arrival date and estimated time of arrival.  
1237            f. Delivery vehicle make and model and license plate  
1238 number.  
1239            g. Name and signature of the medical marijuana treatment  
1240 center employees delivering the product.  
1241        (I) A copy of the marijuana transportation manifest must  
1242 be provided to each individual, medical marijuana treatment  
1243 center, or marijuana testing laboratory that receives a  
1244 delivery. The individual, or a representative of the center or  
1245 laboratory, must sign a copy of the marijuana transportation  
1246 manifest acknowledging receipt.  
1247        (II) An individual transporting marijuana or a marijuana  
1248 delivery device must present a copy of the relevant marijuana  
1249 transportation manifest and his or her employee identification  
1250 card to a law enforcement officer upon request.

1251 (III) Medical marijuana treatment centers and marijuana  
1252 testing laboratories must retain copies of all marijuana  
1253 transportation manifests for at least 3 years.

1254 2. Ensure only vehicles in good working order are used to  
1255 transport marijuana.

1256 3. Lock marijuana and marijuana delivery devices in a  
1257 separate compartment or container within the vehicle.

1258 4. Require employees to have possession of their employee  
1259 identification card at all times when transporting marijuana or  
1260 marijuana delivery devices.

1261 5. Require at least two persons to be in a vehicle  
1262 transporting marijuana or marijuana delivery devices, and  
1263 require at least one person to remain in the vehicle while the  
1264 marijuana or marijuana delivery device is being delivered.

1265 6. Provide specific safety and security training to  
1266 employees transporting or delivering marijuana and marijuana  
1267 delivery devices.

1268 (h) A medical marijuana treatment center may not engage in  
1269 advertising that is visible to members of the public from any  
1270 street, sidewalk, park, or other public place, except:

1271 1. The dispensing location of a medical marijuana  
1272 treatment center may have a sign that is affixed to the outside  
1273 or hanging in the window of the premises which identifies the  
1274 dispensary by the licensee's business name, a department-  
1275 approved trade name, or a department-approved logo. A medical

1276 marijuana treatment center's trade name and logo may not contain  
1277 wording or images commonly associated with marketing targeted  
1278 toward children or which promote recreational use of marijuana.

1279 2. A medical marijuana treatment center may engage in  
1280 Internet advertising and marketing under the following  
1281 conditions:

1282 a. All advertisements must be approved by the department.

1283 b. An advertisement may not have any content that  
1284 specifically targets individuals under the age of 18, including  
1285 cartoon characters or similar images.

1286 c. An advertisement may not be an unsolicited pop-up  
1287 advertisement.

1288 d. Opt-in marketing must include an easy and permanent  
1289 opt-out feature.

1290 (i) Each medical marijuana treatment center that dispenses  
1291 marijuana and marijuana delivery devices shall make available to  
1292 the public on its website:

1293 1. Each marijuana and low-THC product available for  
1294 purchase, including the form, strain of marijuana from which it  
1295 was extracted, cannabidiol content, tetrahydrocannabinol  
1296 content, dose unit, total number of doses available, and the  
1297 ratio of cannabidiol to tetrahydrocannabinol for each product.

1298 2. The price for a 30-day, 50-day, and 70-day supply at a  
1299 standard dose for each marijuana and low-THC product available  
1300 for purchase.

1301        3. The price for each marijuana delivery device available  
1302 for purchase.

1303        4. If applicable, any discount policies and eligibility  
1304 criteria for such discounts.

1305        (j) Medical marijuana treatment centers are the sole  
1306 source from which a qualified patient may legally obtain  
1307 marijuana.

1308        (k) The department may adopt rules pursuant to ss.  
1309 120.536(1) and 120.54 to implement this subsection.

1310        (9) BACKGROUND SCREENING.-An individual required to  
1311 undergo a background screening pursuant to this section must  
1312 pass a level 2 background screening as provided under chapter  
1313 435, which, in addition to the disqualifying offenses provided  
1314 in s. 435.04, shall exclude an individual who has an arrest  
1315 awaiting final disposition for, has been found guilty of,  
1316 regardless of adjudication, or has entered a plea of nolo  
1317 contendere or guilty to an offense under chapter 837, chapter  
1318 895, or chapter 896 or similar law of another jurisdiction.

1319        (a) Such individual must submit a full set of fingerprints  
1320 to the department or to a vendor, entity, or agency authorized  
1321 by s. 943.053(13). The department, vendor, entity, or agency  
1322 shall forward the fingerprints to the Department of Law  
1323 Enforcement for state processing, and the Department of Law  
1324 Enforcement shall forward the fingerprints to the Federal Bureau  
1325 of Investigation for national processing.

1326 (b) Fees for state and federal fingerprint processing and  
1327 retention shall be borne by the individual. The state cost for  
1328 fingerprint processing shall be as provided in s. 943.053(3) (e)  
1329 for records provided to persons or entities other than those  
1330 specified as exceptions therein.

1331 (c) Fingerprints submitted to the Department of Law  
1332 Enforcement pursuant to this subsection shall be retained by the  
1333 Department of Law Enforcement as provided in s. 943.05(2) (g) and  
1334 (h) and, when the Department of Law Enforcement begins  
1335 participation in the program, enrolled in the Federal Bureau of  
1336 Investigation's national retained print arrest notification  
1337 program. Any arrest record identified shall be reported to the  
1338 department.

1339 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;  
1340 ADMINISTRATIVE ACTIONS.—

1341 (a) The department shall conduct announced or unannounced  
1342 inspections of medical marijuana treatment centers to determine  
1343 compliance with this section or rules adopted pursuant to this  
1344 section.

1345 (b) The department shall inspect a medical marijuana  
1346 treatment center upon receiving a complaint or notice that the  
1347 medical marijuana treatment center has dispensed marijuana  
1348 containing mold, bacteria, or other contaminant that may cause  
1349 or has caused an adverse effect to human health or the  
1350 environment.

1351 (c) The department shall conduct at least a biennial  
1352 inspection of each medical marijuana treatment center to  
1353 evaluate the medical marijuana treatment center's records,  
1354 personnel, equipment, processes, security measures, sanitation  
1355 practices, and quality assurance practices.

1356 (d) The Department of Agriculture and Consumer Services  
1357 and the department shall enter into an interagency agreement to  
1358 ensure cooperation and coordination in the performance of their  
1359 obligations under this section and their respective regulatory  
1360 and authorizing laws. The department, the Department of Highway  
1361 Safety and Motor Vehicles, and the Department of Law Enforcement  
1362 may enter into interagency agreements for the purposes specified  
1363 in this subsection or subsection (7).

1364 (e) The department shall publish a list of all approved  
1365 medical marijuana treatment centers, medical directors, and  
1366 qualified physicians on its website.

1367 (f) The department may impose reasonable fines not to  
1368 exceed \$10,000 on a medical marijuana treatment center for any  
1369 of the following violations:

- 1370 1. Violating this section or department rule.
- 1371 2. Failing to maintain qualifications for approval.
- 1372 3. Endangering the health, safety, or security of a  
1373 qualified patient.
- 1374 4. Improperly disclosing personal and confidential  
1375 information of the qualified patient.

1376 5. Attempting to procure medical marijuana treatment  
1377 center approval by bribery, fraudulent misrepresentation, or  
1378 extortion.

1379 6. Being convicted or found guilty of, or entering a plea  
1380 of guilty or nolo contendere to, regardless of adjudication, a  
1381 crime in any jurisdiction which directly relates to the business  
1382 of a medical marijuana treatment center.

1383 7. Making or filing a report or record that the medical  
1384 marijuana treatment center knows to be false.

1385 8. Willfully failing to maintain a record required by this  
1386 section or department rule.

1387 9. Willfully impeding or obstructing an employee or agent  
1388 of the department in the furtherance of his or her official  
1389 duties.

1390 10. Engaging in fraud or deceit, negligence, incompetence,  
1391 or misconduct in the business practices of a medical marijuana  
1392 treatment center.

1393 11. Making misleading, deceptive, or fraudulent  
1394 representations in or related to the business practices of a  
1395 medical marijuana treatment center.

1396 12. Having a license or the authority to engage in any  
1397 regulated profession, occupation, or business that is related to  
1398 the business practices of a medical marijuana treatment center  
1399 suspended, revoked, or otherwise acted against by the licensing  
1400 authority of any jurisdiction, including its agencies or



1401 subdivisions, for a violation that would constitute a violation  
1402 under Florida law.

1403 13. Violating a lawful order of the department or an  
1404 agency of the state, or failing to comply with a lawfully issued  
1405 subpoena of the department or an agency of the state.

1406 (g) The department may suspend, revoke, or refuse to renew  
1407 a medical marijuana treatment center license if the medical  
1408 marijuana treatment center commits any of the violations in  
1409 paragraph (f).

1410 (h) The department may adopt rules pursuant to ss.  
1411 120.536(1) and 120.54 to implement this subsection.

1412 (11) PREEMPTION.—Regulation of cultivation, processing,  
1413 and delivery of marijuana by medical marijuana treatment centers  
1414 is preempted to the state except as provided in this subsection.

1415 (a) A medical marijuana treatment center cultivating or  
1416 processing facility may not be located within 500 feet of the  
1417 real property that comprises a public or private elementary  
1418 school, middle school, or secondary school.

1419 (b)1. A county or municipality may, by ordinance, ban  
1420 medical marijuana treatment center dispensing facilities from  
1421 being located within the boundaries of that county or  
1422 municipality. A county or municipality that does not ban  
1423 dispensing facilities under this subparagraph may not place  
1424 specific limits, by ordinance, on the number of dispensing  
1425 facilities that may locate within that county or municipality.

1426        2. A municipality may determine by ordinance the criteria  
1427 for the location of, and other permitting requirements that do  
1428 not conflict with state law or department rule for, medical  
1429 marijuana treatment center dispensing facilities located within  
1430 the boundaries of that municipality. A county may determine by  
1431 ordinance the criteria for the location of, and other permitting  
1432 requirements that do not conflict with state law or department  
1433 rule for, all such dispensing facilities located within the  
1434 unincorporated areas of that county. Except as provided in  
1435 paragraph (c), a county or municipality may not enact ordinances  
1436 for permitting or for determining the location of dispensing  
1437 facilities which are more restrictive than its ordinances  
1438 permitting or determining the locations for pharmacies licensed  
1439 under chapter 465. A municipality or county may not charge a  
1440 medical marijuana treatment center a license or permit fee in an  
1441 amount greater than the fee charged by such municipality or  
1442 county to pharmacies. A dispensing facility location approved by  
1443 a municipality or county pursuant to former s. 381.986(8)(b),  
1444 Florida Statutes 2016, is not subject to the location  
1445 requirements of this subsection.

1446        (c) A medical marijuana treatment center dispensing  
1447 facility may not be located within 500 feet of the real property  
1448 that comprises a public or private elementary school, middle  
1449 school, or secondary school unless the county or municipality  
1450 approves the location through a formal proceeding open to the

1451 public at which the county or municipality determines that the  
1452 location promotes the public health, safety, and general welfare  
1453 of the community.

1454 (d) This subsection does not prohibit any local  
1455 jurisdiction from ensuring medical marijuana treatment center  
1456 facilities comply with the Florida Building Code, the Florida  
1457 Fire Prevention Code, or any local amendments to the Florida  
1458 Building Code or the Florida Fire Prevention Code.

1459 (12) PENALTIES.—

1460 (a) A qualified physician commits a misdemeanor of the  
1461 first degree, punishable as provided in s. 775.082 or s.  
1462 775.083, if the qualified physician issues a physician  
1463 certification for the medical use of marijuana for a patient  
1464 without a reasonable belief that the patient is suffering from a  
1465 qualifying medical condition.

1466 (b) A person who fraudulently represents that he or she  
1467 has a qualifying medical condition to a qualified physician for  
1468 the purpose of being issued a physician certification commits a  
1469 misdemeanor of the first degree, punishable as provided in s.  
1470 775.082 or s. 775.083.

1471 (c) A qualified patient who uses marijuana, not including  
1472 low-THC cannabis, or a caregiver who administers marijuana, not  
1473 including low-THC cannabis, in plain view of or in a place open  
1474 to the general public; in a school bus, a vehicle, an aircraft,  
1475 or a boat; or on the grounds of a school except as provided in

1476 s. 1006.062, commits a misdemeanor of the first degree,  
1477 punishable as provided in s. 775.082 or s. 775.083.

1478 (d) A qualified patient or caregiver who cultivates  
1479 marijuana or who purchases or acquires marijuana from any person  
1480 or entity other than a medical marijuana treatment center  
1481 violates s. 893.13 and is subject to the penalties provided  
1482 therein.

1483 (e)1. A qualified patient or caregiver in possession of  
1484 marijuana or a marijuana delivery device who fails or refuses to  
1485 present his or her marijuana use registry identification card  
1486 upon the request of a law enforcement officer commits a  
1487 misdemeanor of the second degree, punishable as provided in s.  
1488 775.082 or s. 775.083, unless it can be determined through the  
1489 medical marijuana use registry that the person is authorized to  
1490 be in possession of that marijuana or marijuana delivery device.

1491 2. A person charged with a violation of this paragraph may  
1492 not be convicted if, before or at the time of his or her court  
1493 or hearing appearance, the person produces in court or to the  
1494 clerk of the court in which the charge is pending a medical  
1495 marijuana use registry identification card issued to him or her  
1496 which is valid at the time of his or her arrest. The clerk of  
1497 the court is authorized to dismiss such case at any time before  
1498 the defendant's appearance in court. The clerk of the court may  
1499 assess a fee of \$5 for dismissing the case under this paragraph.

1500 (f) A caregiver who violates any of the applicable

1501 provisions of this section or applicable department rules, for  
1502 the first offense, commits a misdemeanor of the second degree,  
1503 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1504 second or subsequent offense, commits a misdemeanor of the first  
1505 degree, punishable as provided in s. 775.082 or s. 775.083.

1506 (g) A qualified physician who issues a physician  
1507 certification for marijuana or a marijuana delivery device and  
1508 receives compensation from a medical marijuana treatment center  
1509 related to the issuance of a physician certification for  
1510 marijuana or a marijuana delivery device is subject to  
1511 disciplinary action under the applicable practice act and s.  
1512 456.072 (1) (n) .

1513 (h) A person transporting marijuana or marijuana delivery  
1514 devices on behalf of a medical marijuana treatment center or  
1515 marijuana testing laboratory who fails or refuses to present a  
1516 transportation manifest upon the request of a law enforcement  
1517 officer commits a misdemeanor of the second degree, punishable  
1518 as provided in s. 775.082 or s. 775.083.

1519 (i) Persons and entities conducting activities authorized  
1520 and governed by this section and s. 381.988 are subject to ss.  
1521 456.053, 456.054, and 817.505, as applicable.

1522 (j) A person or entity that cultivates, processes,  
1523 distributes, sells, or dispenses marijuana, as defined in s.  
1524 29 (b) (4), Art. X of the State Constitution, and is not licensed  
1525 as a medical marijuana treatment center violates s. 893.13 and

1526 is subject to the penalties provided therein.

1527 (k) A person who manufactures, distributes, sells, gives,  
1528 or possesses with the intent to manufacture, distribute, sell,  
1529 or give marijuana or a marijuana delivery device that he or she  
1530 holds out to have originated from a licensed medical marijuana  
1531 treatment center but that is counterfeit commits a felony of the  
1532 third degree, punishable as provided in s. 775.082, s. 775.083,  
1533 or s. 775.084. For the purposes of this paragraph, the term  
1534 "counterfeit" means marijuana; a marijuana delivery device; or a  
1535 marijuana or marijuana delivery device container, seal, or label  
1536 which, without authorization, bears the trademark, trade name,  
1537 or other identifying mark, imprint, or device, or any likeness  
1538 thereof, of a licensed medical marijuana treatment center and  
1539 which thereby falsely purports or is represented to be the  
1540 product of, or to have been distributed by, that licensed  
1541 medical marijuana treatment facility.

1542 (l) Any person who possesses or manufactures a blank,  
1543 forged, stolen, fictitious, fraudulent, counterfeit, or  
1544 otherwise unlawfully issued medical marijuana use registry  
1545 identification card commits a felony of the third degree,  
1546 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1547 (13) UNLICENSED ACTIVITY.—

1548 (a) If the department has probable cause to believe that a  
1549 person or entity that is not registered or licensed with the  
1550 department has violated this section, s. 381.988, or any rule

1551 adopted pursuant to this section, the department may issue and  
1552 deliver to such person or entity a notice to cease and desist  
1553 from such violation. The department also may issue and deliver a  
1554 notice to cease and desist to any person or entity who aids and  
1555 abets such unlicensed activity. The issuance of a notice to  
1556 cease and desist does not constitute agency action for which a  
1557 hearing under s. 120.569 or s. 120.57 may be sought. For the  
1558 purpose of enforcing a cease and desist order, the department  
1559 may file a proceeding in the name of the state seeking issuance  
1560 of an injunction or a writ of mandamus against any person or  
1561 entity who violates any provisions of such order.

1562 (b) In addition to the remedies under paragraph (a), the  
1563 department may impose by citation an administrative penalty not  
1564 to exceed \$5,000 per incident. The citation shall be issued to  
1565 the subject and must contain the subject's name and any other  
1566 information the department determines to be necessary to  
1567 identify the subject, a brief factual statement, the sections of  
1568 the law allegedly violated, and the penalty imposed. If the  
1569 subject does not dispute the matter in the citation with the  
1570 department within 30 days after the citation is served, the  
1571 citation shall become a final order of the department. The  
1572 department may adopt rules pursuant to ss. 120.536(1) and 120.54  
1573 to implement this section. Each day that the unlicensed activity  
1574 continues after issuance of a notice to cease and desist  
1575 constitutes a separate violation. The department shall be

1576 entitled to recover the costs of investigation and prosecution  
1577 in addition to the fine levied pursuant to the citation. Service  
1578 of a citation may be made by personal service or by mail to the  
1579 subject at the subject's last known address or place of  
1580 practice. If the department is required to seek enforcement of  
1581 the cease and desist or agency order, it shall be entitled to  
1582 collect attorney fees and costs.

1583 (c) In addition to or in lieu of any other administrative  
1584 remedy, the department may seek the imposition of a civil  
1585 penalty through the circuit court for any violation for which  
1586 the department may issue a notice to cease and desist. The civil  
1587 penalty shall be no less than \$5,000 and no more than \$10,000  
1588 for each offense. The court may also award to the prevailing  
1589 party court costs and reasonable attorney fees and, in the event  
1590 the department prevails, may also award reasonable costs of  
1591 investigation and prosecution.

1592 (d) In addition to the other remedies provided in this  
1593 section, the department or any state attorney may bring an  
1594 action for an injunction to restrain any unlicensed activity or  
1595 to enjoin the future operation or maintenance of the unlicensed  
1596 activity or the performance of any service in violation of this  
1597 section.

1598 (e) The department must notify local law enforcement of  
1599 such unlicensed activity for a determination of any criminal  
1600 violation of chapter 893.



1601 (14) EXCEPTIONS TO OTHER LAWS.—

1602 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1603 any other provision of law, but subject to the requirements of  
1604 this section, a qualified patient and the qualified patient's  
1605 caregiver may purchase from a medical marijuana treatment center  
1606 for the patient's medical use a marijuana delivery device and up  
1607 to the amount of marijuana authorized in the physician  
1608 certification, but may not possess more than a 70-day supply of  
1609 marijuana at any given time and all marijuana purchased must  
1610 remain in its original packaging.

1611 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1612 any other provision of law, but subject to the requirements of  
1613 this section, an approved medical marijuana treatment center and  
1614 its owners, managers, and employees may manufacture, possess,  
1615 sell, deliver, distribute, dispense, and lawfully dispose of  
1616 marijuana or a marijuana delivery device as provided in this  
1617 section, s. 381.988, and by department rule. For the purposes of  
1618 this subsection, the terms "manufacture," "possession,"  
1619 "deliver," "distribute," and "dispense" have the same meanings  
1620 as provided in s. 893.02.

1621 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1622 any other provision of law, but subject to the requirements of  
1623 this section, a certified marijuana testing laboratory,  
1624 including an employee of a certified marijuana testing  
1625 laboratory acting within the scope of his or her employment, may

1626 acquire, possess, test, transport, and lawfully dispose of  
1627 marijuana as provided in this section, in s. 381.988, and by  
1628 department rule.

1629 (d) A licensed medical marijuana treatment center and its  
1630 owners, managers, and employees are not subject to licensure or  
1631 regulation under chapter 465 or chapter 499 for manufacturing,  
1632 possessing, selling, delivering, distributing, dispensing, or  
1633 lawfully disposing of marijuana or a marijuana delivery device,  
1634 as provided in this section, s. 381.988, and by department rule.

1635 (e) This subsection does not exempt a person from  
1636 prosecution for a criminal offense related to impairment or  
1637 intoxication resulting from the medical use of marijuana or  
1638 relieve a person from any requirement under law to submit to a  
1639 breath, blood, urine, or other test to detect the presence of a  
1640 controlled substance.

1641 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1642 any other provision of law, but subject to the requirements of  
1643 this section and pursuant to policies and procedures established  
1644 pursuant to s. 1006.62(8), school personnel may possess  
1645 marijuana that is obtained for medical use pursuant to this  
1646 section by a student who is a qualified patient.

1647 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1648 any other provision of law, but subject to the requirements of  
1649 this section, a research institute established by a public  
1650 postsecondary educational institution, such as the H. Lee

1651 Moffitt Cancer Center and Research Institute, Inc., established  
1652 under s. 1004.43, or a state university that has achieved the  
1653 preeminent state research university designation under s.  
1654 1001.7065 may possess, test, transport, and lawfully dispose of  
1655 marijuana for research purposes as provided by this section.

1656 (15) APPLICABILITY.—This section does not limit the  
1657 ability of an employer to establish, continue, or enforce a  
1658 drug-free workplace program or policy. This section does not  
1659 require an employer to accommodate the medical use of marijuana  
1660 in any workplace or any employee working while under the  
1661 influence of marijuana. This section does not create a cause of  
1662 action against an employer for wrongful discharge or  
1663 discrimination. Marijuana, as defined in this section, is not  
1664 reimbursable under chapter 440.

1665 (16) FINES AND FEES.—Fines and fees collected by the  
1666 department under this section shall be deposited in the Grants  
1667 and Donations Trust Fund within the Department of Health.

1668 Section 4. Paragraph (uu) is added to subsection (1) of  
1669 section 458.331, Florida Statutes, to read:

1670 458.331 Grounds for disciplinary action; action by the  
1671 board and department.—

1672 (1) The following acts constitute grounds for denial of a  
1673 license or disciplinary action, as specified in s. 456.072(2):

1674 (uu) Issuing a physician certification, as defined in s.  
1675 381.986, in a manner out of compliance with the requirements of

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1676 that section and rules adopted thereunder.

1677 Section 5. Paragraph (ww) is added to subsection (1) of  
1678 section 459.015, Florida Statutes, to read:

1679 459.015 Grounds for disciplinary action; action by the  
1680 board and department.—

1681 (1) The following acts constitute grounds for denial of a  
1682 license or disciplinary action, as specified in s. 456.072(2):

1683 (ww) Issuing a physician certification, as defined in s.  
1684 381.986, in a manner not in compliance with the requirements of  
1685 that section and rules adopted thereunder.

1686 Section 6. Section 381.988, Florida Statutes, is created  
1687 to read:

1688 381.988 Medical marijuana testing laboratories; marijuana  
1689 tests conducted by a certified laboratory.—

1690 (1) A person or entity seeking to be a certified marijuana  
1691 testing laboratory must:

1692 (a) Not be owned or controlled by a medical marijuana  
1693 treatment center.

1694 (b) Submit a completed application accompanied by an  
1695 application fee, as established by department rule.

1696 (c) Submit proof of an accreditation or a certification  
1697 approved by the department issued by an accreditation or a  
1698 certification organization approved by the department. The  
1699 department shall adopt by rule a list of approved laboratory  
1700 accreditations or certifications and accreditation or

1701 certification organizations.

1702 (d) Require all owners and managers to submit to and pass  
1703 a level 2 background screening pursuant to s. 435.04 and shall  
1704 deny certification if the person or entity has been found guilty  
1705 of, or has entered a plea of guilty or nolo contendere to,  
1706 regardless of adjudication, any offense listed in chapter 837,  
1707 chapter 895, or chapter 896 or similar law of another  
1708 jurisdiction.

1709 1. Such owners and managers must submit a full set of  
1710 fingerprints to the department or to a vendor, entity, or agency  
1711 authorized by s. 943.053(13). The department, vendor, entity, or  
1712 agency shall forward the fingerprints to the Department of Law  
1713 Enforcement for state processing, and the Department of Law  
1714 Enforcement shall forward the fingerprints to the Federal Bureau  
1715 of Investigation for national processing.

1716 2. Fees for state and federal fingerprint processing and  
1717 retention shall be borne by such owners or managers. The state  
1718 cost for fingerprint processing shall be as provided in s.  
1719 943.053(3)(e) for records provided to persons or entities other  
1720 than those specified as exceptions therein.

1721 3. Fingerprints submitted to the Department of Law  
1722 Enforcement pursuant to this paragraph shall be retained by the  
1723 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
1724 (h) and, when the Department of Law Enforcement begins  
1725 participation in the program, enrolled in the Federal Bureau of

1726 Investigation's national retained print arrest notification  
1727 program. Any arrest record identified shall be reported to the  
1728 department.

1729 (e) Demonstrate to the department the capability of  
1730 meeting the standards for certification required by this  
1731 subsection, and the testing requirements of s. 381.986 and this  
1732 section and rules adopted thereunder.

1733 (2) The department shall adopt rules pursuant to ss.  
1734 120.536(1) and 120.54 establishing a procedure for initial  
1735 certification and biennial renewal, including initial  
1736 application and biennial renewal fees sufficient to cover the  
1737 costs of administering this certification program. The  
1738 department shall renew the certification biennially if the  
1739 laboratory meets the requirements of this section and pays the  
1740 biennial renewal fee.

1741 (3) The department shall adopt rules pursuant to ss.  
1742 120.536(1) and 120.54 establishing the standards for  
1743 certification of marijuana testing laboratories under this  
1744 section. The Department of Agriculture and Consumer Services and  
1745 the Department of Environmental Protection shall assist the  
1746 department in developing the rule, which must include, but is  
1747 not limited to:

1748 (a) Security standards.

1749 (b) Minimum standards for personnel.

1750 (c) Sample collection method and process standards.

1751 (d) Proficiency testing for tetrahydrocannabinol potency,  
1752 concentration of cannabidiol, and contaminants unsafe for human  
1753 consumption, as determined by department rule.

1754 (e) Reporting content, format, and frequency.

1755 (f) Audits and onsite inspections.

1756 (g) Quality assurance.

1757 (h) Equipment and methodology.

1758 (i) Chain of custody.

1759 (j) Any other standard the department deems necessary to  
1760 ensure the health and safety of the public.

1761 (4) A marijuana testing laboratory may acquire marijuana  
1762 only from a medical marijuana treatment center. A marijuana  
1763 testing laboratory is prohibited from selling, distributing, or  
1764 transferring marijuana received from a marijuana treatment  
1765 center, except that a marijuana testing laboratory may transfer  
1766 a sample to another marijuana testing laboratory in this state.

1767 (5) A marijuana testing laboratory must properly dispose  
1768 of all samples it receives, unless transferred to another  
1769 marijuana testing laboratory, after all necessary tests have  
1770 been conducted and any required period of storage has elapsed,  
1771 as established by department rule.

1772 (6) A marijuana testing laboratory shall use the computer  
1773 software tracking system selected by the department under s.  
1774 381.986.

1775 (7) The following acts constitute grounds for which

1776 disciplinary action specified in subsection (8) may be taken  
1777 against a certified marijuana testing laboratory:

1778 (a) Permitting unauthorized persons to perform technical  
1779 procedures or issue reports.

1780 (b) Demonstrating incompetence or making consistent errors  
1781 in the performance of testing or erroneous reporting.

1782 (c) Performing a test and rendering a report thereon to a  
1783 person or entity not authorized by law to receive such services.

1784 (d) Failing to file any report required under this section  
1785 or s. 381.986 or the rules adopted thereunder.

1786 (e) Reporting a test result if the test was not performed.

1787 (f) Failing to correct deficiencies within the time  
1788 required by the department.

1789 (g) Violating or aiding and abetting in the violation of  
1790 any provision of s. 381.986 or this section or any rules adopted  
1791 thereunder.

1792 (8) The department may refuse to issue or renew, or may  
1793 suspend or revoke, the certification of a marijuana testing  
1794 laboratory that is found to be in violation of this section or  
1795 any rules adopted hereunder. The department may impose fines for  
1796 violations of this section or rules adopted thereunder, based on  
1797 a schedule adopted in rule. In determining the administrative  
1798 action to be imposed for a violation, the department must  
1799 consider the following factors:

1800 (a) The severity of the violation, including the



1801 probability of death or serious harm to the health or safety of  
1802 any person that may result or has resulted; the severity or  
1803 potential harm; and the extent to which s. 381.986 or this  
1804 section were violated.

1805 (b) The actions taken by the marijuana testing laboratory  
1806 to correct the violation or to remedy the complaint.

1807 (c) Any previous violation by the marijuana testing  
1808 laboratory.

1809 (d) The financial benefit to the marijuana testing  
1810 laboratory of committing or continuing the violation.

1811 (9) The department may adopt rules pursuant to ss.  
1812 120.536(1) and 120.54 to implement this section.

1813 (10) Fees collected by the department under this section  
1814 shall be deposited in the Grants and Donations Trust Fund within  
1815 the Department of Health.

1816 Section 7. Section 381.989, Florida Statutes, is created  
1817 to read:

1818 381.989 Public education campaigns.—

1819 (1) DEFINITIONS.—As used in this section, the term:

1820 (a) "Cannabis" has the same meaning as in s. 893.02.

1821 (b) "Department" means the Department of Health.

1822 (c) "Marijuana" has the same meaning as in s. 381.986.

1823 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT  
1824 USE PREVENTION CAMPAIGN.—

1825 (a) The department shall implement a statewide cannabis

1826 and marijuana education and illicit use prevention campaign to  
1827 publicize accurate information regarding:

1828 1. The legal requirements for licit use and possession of  
1829 marijuana in this state.

1830 2. Safe use of marijuana, including preventing access by  
1831 persons other than qualified patients as defined in s. 381.986,  
1832 particularly children.

1833 3. The short-term and long-term health effects of cannabis  
1834 and marijuana use, particularly on minors and young adults.

1835 4. Other cannabis-related and marijuana-related education  
1836 determined by the department to be necessary to the public  
1837 health and safety.

1838 (b) The department shall provide educational materials  
1839 regarding the eligibility for medical use of marijuana by  
1840 individuals diagnosed with a terminal condition to individuals  
1841 that provide palliative care or hospice services.

1842 (c) The department may use television messaging, radio  
1843 broadcasts, print media, digital strategies, social media, and  
1844 any other form of messaging deemed necessary and appropriate by  
1845 the department to implement the campaign. The department may  
1846 work with school districts, community organizations, and  
1847 businesses and business organizations and other entities to  
1848 provide training and programming.

1849 (d) The department may contract with one or more vendors  
1850 to implement the campaign.

1851 (e) The department shall contract with an independent  
1852 entity to conduct annual evaluations of the campaign. The  
1853 evaluations shall assess the reach and impact of the campaign,  
1854 success in educating the citizens of the state regarding the  
1855 legal parameters for marijuana use, success in preventing  
1856 illicit access by adults and youth, and success in preventing  
1857 negative health impacts from the legalization of marijuana. The  
1858 first year of the program, the evaluator shall conduct surveys  
1859 to establish baseline data on youth and adult cannabis use, the  
1860 attitudes of youth and the general public toward cannabis and  
1861 marijuana, and any other data deemed necessary for long-term  
1862 analysis. By January 31 of each year, the department shall  
1863 submit to the Governor, the President of the Senate, and the  
1864 Speaker of the House of Representatives the annual evaluation of  
1865 the campaign.

1866 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1867 (a) The Department of Highway Safety and Motor Vehicles  
1868 shall implement a statewide impaired driving education campaign  
1869 to raise awareness and prevent marijuana-related and cannabis-  
1870 related impaired driving and may contract with one or more  
1871 vendors to implement the campaign. The Department of Highway  
1872 Safety and Motor Vehicles may use television messaging, radio  
1873 broadcasts, print media, digital strategies, social media, and  
1874 any other form of messaging deemed necessary and appropriate by  
1875 the department to implement the campaign.

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1876           (b) At a minimum, the Department of Highway Safety and  
1877 Motor Vehicles or a contracted vendor shall establish baseline  
1878 data on the number of marijuana-related citations for driving  
1879 under the influence, marijuana-related traffic arrests,  
1880 marijuana-related traffic accidents, and marijuana-related  
1881 traffic fatalities, and shall track these measures annually  
1882 thereafter. The Department of Highway Safety and Motor Vehicles  
1883 or a contracted vendor shall annually evaluate and compile a  
1884 report on the efficacy of the campaign based on those measures  
1885 and other measures established by the Department of Highway  
1886 Safety and Motor Vehicles. By January 31 of each year, the  
1887 Department of Highway Safety and Motor Vehicles shall submit the  
1888 report on the evaluation of the campaign to the Governor, the  
1889 President of the Senate, and the Speaker of the House of  
1890 Representatives.

1891           Section 8. Subsection (1) of section 385.211, Florida  
1892 Statutes, is amended to read:

1893           385.211 Refractory and intractable epilepsy treatment and  
1894 research at recognized medical centers.—

1895           (1) As used in this section, the term "low-THC cannabis"  
1896 means "low-THC cannabis" as defined in s. 381.986 that is  
1897 dispensed only from a dispensing organization as defined in  
1898 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
1899 treatment center as defined in s. 381.986.

1900           Section 9. Paragraphs (b) through (e) of subsection (2) of

1901 section 499.0295, Florida Statutes, are redesignated as  
 1902 paragraphs (a) through (d), respectively, and present paragraphs  
 1903 (a) and (c) of that subsection, and subsection (3) of that  
 1904 section are amended, to read:

1905 499.0295 Experimental treatments for terminal conditions.—

1906 (2) As used in this section, the term:

1907 ~~(a) "Dispensing organization" means an organization~~  
 1908 ~~approved by the Department of Health under s. 381.986(5) to~~  
 1909 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
 1910 ~~medical cannabis, and cannabis delivery devices.~~

1911 (b)(e) "Investigational drug, biological product, or  
 1912 device" means:

1913 ~~1.~~ a drug, biological product, or device that has  
 1914 successfully completed phase 1 of a clinical trial but has not  
 1915 been approved for general use by the United States Food and Drug  
 1916 Administration and remains under investigation in a clinical  
 1917 trial approved by the United States Food and Drug  
 1918 Administration; ~~or~~

1919 ~~2. Medical cannabis that is manufactured and sold by a~~  
 1920 ~~dispensing organization.~~

1921 (3) Upon the request of an eligible patient, a  
 1922 manufacturer may, ~~or upon a physician's order pursuant to s.~~  
 1923 ~~381.986, a dispensing organization may:~~

1924 (a) Make its investigational drug, biological product, or  
 1925 device available under this section.

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1926 (b) Provide an investigational drug, biological product,  
 1927 or device, ~~or cannabis delivery device as defined in s. 381.986~~  
 1928 to an eligible patient without receiving compensation.

1929 (c) Require an eligible patient to pay the costs of, or  
 1930 the costs associated with, the manufacture of the  
 1931 investigational drug, biological product, or device, ~~or cannabis~~  
 1932 ~~delivery device as defined in s. 381.986.~~

1933 Section 10. Subsection (3) of section 893.02, Florida  
 1934 Statutes, is amended to read:

1935 893.02 Definitions.—The following words and phrases as  
 1936 used in this chapter shall have the following meanings, unless  
 1937 the context otherwise requires:

1938 (3) "Cannabis" means all parts of any plant of the genus  
 1939 *Cannabis*, whether growing or not; the seeds thereof; the resin  
 1940 extracted from any part of the plant; and every compound,  
 1941 manufacture, salt, derivative, mixture, or preparation of the  
 1942 plant or its seeds or resin. The term does not include  
 1943 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if  
 1944 manufactured, possessed, sold, purchased, delivered,  
 1945 distributed, or dispensed, in conformance with s. 381.986.

1946 Section 11. Section 1004.4351, Florida Statutes, is  
 1947 created to read:

1948 1004.4351 Medical marijuana research and education.—

1949 (1) SHORT TITLE.—This section shall be known and may be  
 1950 cited as the "Medical Marijuana Research and Education Act."

1951 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1952 (a) The present state of knowledge concerning the use of  
1953 marijuana to alleviate pain and treat illnesses is limited  
1954 because permission to perform clinical studies on marijuana is  
1955 difficult to obtain, with access to research-grade marijuana so  
1956 restricted that little or no unbiased studies have been  
1957 performed.

1958 (b) Under the State Constitution, marijuana is available  
1959 for the treatment of certain debilitating medical conditions.

1960 (c) Additional clinical studies are needed to ensure that  
1961 the residents of this state obtain the correct dosing,  
1962 formulation, route, modality, frequency, quantity, and quality  
1963 of marijuana for specific illnesses.

1964 (d) An effective medical marijuana research and education  
1965 program would mobilize the scientific, educational, and medical  
1966 resources that presently exist in this state to determine the  
1967 appropriate and best use of marijuana to treat illness.

1968 (3) DEFINITIONS.—As used in this section, the term:

1969 (a) "Board" means the Medical Marijuana Research and  
1970 Education Board.

1971 (b) "Coalition" means the Coalition for Medical Marijuana  
1972 Research and Education.

1973 (c) "Marijuana" has the same meaning as provided in s. 29,  
1974 Art. X of the State Constitution.

1975 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND

1976 EDUCATION.—

1977 (a) There is established within the H. Lee Moffitt Cancer  
1978 Center and Research Institute, Inc., the Coalition for Medical  
1979 Marijuana Research and Education. The purpose of the coalition  
1980 is to conduct rigorous scientific research, provide education,  
1981 disseminate research, and guide policy for the adoption of a  
1982 statewide policy on ordering and dosing practices for the  
1983 medical use of marijuana. The coalition shall be physically  
1984 located at the H. Lee Moffitt Cancer Center and Research  
1985 Institute, Inc.

1986 (b) The Medical Marijuana Research and Education Board is  
1987 established to direct the operations of the coalition. The board  
1988 shall be composed of seven members appointed by the chief  
1989 executive officer of the H. Lee Moffitt Cancer Center and  
1990 Research Institute, Inc. Board members must have experience in a  
1991 variety of scientific and medical fields, including, but not  
1992 limited to, oncology, neurology, psychology, pediatrics,  
1993 nutrition, and addiction. Members shall be appointed to 4-year  
1994 terms and may be reappointed to serve additional terms. The  
1995 chair shall be elected by the board from among its members to  
1996 serve a 2-year term. The board shall meet at least semiannually  
1997 at the call of the chair or, in his or her absence or  
1998 incapacity, the vice chair. Four members constitute a quorum. A  
1999 majority vote of the members present is required for all actions  
2000 of the board. The board may prescribe, amend, and repeal a



2001 charter governing the manner in which it conducts its business.  
2002 A board member shall serve without compensation but is entitled  
2003 to be reimbursed for travel expenses by the coalition or the  
2004 organization he or she represents in accordance with s. 112.061.

2005 (c) The coalition shall be administered by a coalition  
2006 director, who shall be appointed by and serve at the pleasure of  
2007 the board. The coalition director shall, subject to the approval  
2008 of the board:

2009 1. Propose a budget for the coalition.

2010 2. Foster the collaboration of scientists, researchers,  
2011 and other appropriate personnel in accordance with the  
2012 coalition's charter.

2013 3. Identify and prioritize the research to be conducted by  
2014 the coalition.

2015 4. Prepare the Medical Marijuana Research and Education  
2016 Plan for submission to the board.

2017 5. Apply for grants to obtain funding for research  
2018 conducted by the coalition.

2019 6. Perform other duties as determined by the board.

2020 (d) The board shall advise the Board of Governors, the  
2021 State Surgeon General, the Governor, and the Legislature with  
2022 respect to medical marijuana research and education in this  
2023 state. The board shall explore methods of implementing and  
2024 enforcing medical marijuana laws in relation to cancer control,  
2025 research, treatment, and education.

2026        (e) The board shall annually adopt a plan for medical  
2027 marijuana research, known as the "Medical Marijuana Research and  
2028 Education Plan," which must be in accordance with state law and  
2029 coordinate with existing programs in this state. The plan must  
2030 include recommendations for the coordination and integration of  
2031 medical, pharmacological, nursing, paramedical, community, and  
2032 other resources connected with the treatment of debilitating  
2033 medical conditions; research related to the treatment of such  
2034 medical conditions; and education.

2035        (f) By February 15 of each year, the board shall issue a  
2036 report to the Governor, the President of the Senate, and the  
2037 Speaker of the House of Representatives on research projects,  
2038 community outreach initiatives, and future plans for the  
2039 coalition.

2040        (g) Beginning January 15, 2018, and quarterly thereafter,  
2041 the Department of Health shall submit to the board a data set  
2042 that includes, for each patient registered in the medical  
2043 marijuana use registry, the patient's qualifying medical  
2044 condition and the daily dose amount and forms of marijuana  
2045 certified for the patient.

2046        (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER  
2047 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center  
2048 and Research Institute, Inc., shall allocate staff and provide  
2049 information and assistance, as the coalition's budget permits,  
2050 to assist the board in fulfilling its responsibilities.

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2051 Section 12. Subsection (1) of section 1004.441, Florida  
2052 Statutes, is amended to read:

2053 1004.441 Refractory and intractable epilepsy treatment and  
2054 research.—

2055 (1) As used in this section, the term "low-THC cannabis"  
2056 means "low-THC cannabis" as defined in s. 381.986 that is  
2057 dispensed only from a dispensing organization as defined in  
2058 former s. 381.986, Florida Statutes 2016, or a medical marijuana  
2059 treatment center as defined in s. 381.986.

2060 Section 13. Subsection (8) is added to section 1006.062,  
2061 Florida Statutes, to read:

2062 1006.062 Administration of medication and provision of  
2063 medical services by district school board personnel.—

2064 (8) Each district school board shall adopt a policy and a  
2065 procedure for allowing a student who is a qualified patient, as  
2066 defined in s. 381.986, to use marijuana obtained pursuant to  
2067 that section. Such policy and procedure shall ensure access by  
2068 the qualified patient; identify how the marijuana will be  
2069 received, accounted for, and stored; and establish processes to  
2070 prevent access by other students and school personnel whose  
2071 access would be unnecessary for the implementation of the  
2072 policy.

2073 Section 14. Department of Health; authority to adopt  
2074 rules; cause of action.—

2075 (1) EMERGENCY RULEMAKING.—

2076        (a) The Department of Health and the applicable boards  
 2077 shall adopt emergency rules pursuant to s. 120.54(4), Florida  
 2078 Statutes, and this section necessary to implement ss. 381.986  
 2079 and 381.988, Florida Statutes. If an emergency rule adopted  
 2080 under this section is held to be unconstitutional or an invalid  
 2081 exercise of delegated legislative authority, and becomes void,  
 2082 the department or the applicable boards may adopt an emergency  
 2083 rule pursuant to this section to replace the rule that has  
 2084 become void. If the emergency rule adopted to replace the void  
 2085 emergency rule is also held to be unconstitutional or an invalid  
 2086 exercise of delegated legislative authority and becomes void,  
 2087 the department and the applicable boards must follow the  
 2088 nonemergency rulemaking procedures of the Administrative  
 2089 Procedures Act to replace the rule that has become void.

2090        (b) For emergency rules adopted under this section, the  
 2091 department and the applicable boards need not make the findings  
 2092 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
 2093 adopted under this section are exempt from ss. 120.54(3)(b) and  
 2094 120.541, Florida Statutes. The department and the applicable  
 2095 boards shall meet the procedural requirements in s. 120.54(a),  
 2096 Florida Statutes, if the department or the applicable boards  
 2097 have, before the effective date of this act, held any public  
 2098 workshops or hearings on the subject matter of the emergency  
 2099 rules adopted under this subsection. Challenges to emergency  
 2100 rules adopted under this subsection are subject to the time

2101 schedules provided in s. 120.56(5), Florida Statutes.

2102 (c) Emergency rules adopted under this section are exempt  
2103 from s. 120.54(4)(c), Florida Statutes, and shall remain in  
2104 effect until replaced by rules adopted under the nonemergency  
2105 rulemaking procedures of the Administrative Procedures Act. By  
2106 January 1, 2018, the department and the applicable boards shall  
2107 initiate nonemergency rulemaking pursuant to the Administrative  
2108 Procedures Act to replace all emergency rules adopted under this  
2109 section by publishing a notice of rule development in the  
2110 Florida Administrative Register. Except as provided in paragraph  
2111 (a), after January 1, 2018, the department and applicable boards  
2112 may not adopt rules pursuant to the emergency rulemaking  
2113 procedures provided in this section.

2114 (2) CAUSE OF ACTION.—

2115 (a) As used in s. 29(d)(3), Article X of the State  
2116 Constitution, the term:

2117 1. "Issue regulations" means the filing by the department  
2118 of a rule or emergency rule for adoption with the Department of  
2119 State.

2120 2. "Judicial relief" means an action for declaratory  
2121 judgment pursuant to chapter 86, Florida Statutes.

2122 (b) The venue for actions brought against the department  
2123 pursuant to s. 29(d)(3), Article X of the State Constitution  
2124 shall be in the circuit court in and for Leon County.

2125 (c) If the department is not issuing patient and caregiver

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2126 identification cards or licensing medical marijuana treatment  
2127 centers by October 3, 2017, the following shall be a defense to  
2128 a cause of action brought under s. 29(d)(3), Article X of the  
2129 State Constitution:

2130 1. The department is unable to issue patient and caregiver  
2131 identification cards or license medical marijuana treatment  
2132 centers due to litigation challenging a rule as an invalid  
2133 exercise of delegated legislative authority or unconstitutional.

2134 2. The department is unable to issue patient or caregiver  
2135 identification cards or license medical marijuana treatment  
2136 centers due to a rule being held as an invalid exercise of  
2137 delegated legislative authority or unconstitutional.

2138 Section 15. Department of Law Enforcement; training  
2139 related to medical use of marijuana.-The Department of Law  
2140 Enforcement shall develop a 4-hour online initial training  
2141 course, and a 2-hour online continuing education course, which  
2142 shall be made available for use by all law enforcement agencies  
2143 in this state. Such training shall cover the legal parameters of  
2144 marijuana-related activities governed by ss. 381.986 and  
2145 381.988, Florida Statutes, relating to criminal laws governing  
2146 marijuana.

2147 Section 16. Section 385.212, Florida Statutes, is amended  
2148 to read:

2149 385.212 Powers and duties of the Department of Health;  
2150 Office of Medical Marijuana ~~Compassionate~~ Use.-

2151 (1) The Department of Health shall establish an Office of  
 2152 Medical Marijuana ~~Compassionate~~ Use under the direction of the  
 2153 Deputy State Health Officer.

2154 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may  
 2155 enhance access to investigational new drugs for Florida patients  
 2156 through approved clinical treatment plans or studies. The Office  
 2157 of Medical Marijuana ~~Compassionate~~ Use may:

2158 (a) Create a network of state universities and medical  
 2159 centers recognized pursuant to s. 381.925.

2160 (b) Make any necessary application to the United States  
 2161 Food and Drug Administration or a pharmaceutical manufacturer to  
 2162 facilitate enhanced access to medical ~~compassionate~~ use of  
 2163 marijuana for Florida patients.

2164 (c) Enter into any agreements necessary to facilitate  
 2165 enhanced access to medical ~~compassionate~~ use of marijuana for  
 2166 Florida patients.

2167 (3) The department may adopt rules necessary to implement  
 2168 this section.

2169 (4) The Office of Medical Marijuana Use shall administer  
 2170 and enforce s. 381.986.

2171 Section 17. If any provision of this act or its  
 2172 application to any person or circumstance is held invalid, the  
 2173 invalidity does not affect other provisions or applications of  
 2174 this act which can be given effect without the invalid provision  
 2175 or application, and to this end the provisions of this act are

2176 severable.

2177       Section 18. The Division of Law Revision and Information  
2178 is directed to replace the phrase "the effective date of this  
2179 act" wherever it occurs in this act with the date the act  
2180 becomes a law.

2181       Section 19. (1) For the 2017-2018 fiscal year, 55 full-  
2182 time equivalent positions, with associated salary rate of  
2183 2,198,860, are authorized and the sums of \$3.5 million in  
2184 nonrecurring funds from the General Revenue Fund and \$4,055,292  
2185 in recurring funds and \$1,238,148 in nonrecurring funds from the  
2186 Grants and Donations Trust Fund are appropriated to the  
2187 Department of Health for the purpose of implementing the  
2188 requirements of this act. Of the funds appropriated, \$3,158,572  
2189 in recurring funds and \$1,238,148 in nonrecurring funds from the  
2190 Grants and Donations Trust Fund and 27 full-time equivalent  
2191 positions shall be placed in reserve. The Department of Health  
2192 is authorized to submit budget amendments requesting the release  
2193 of funds being held in reserve pursuant to chapter 216, Florida  
2194 Statutes contingent upon need and demonstration of fee  
2195 collections to support the budget authority.

2196       (2) For the 2017-2018 fiscal year, the sum of \$500,000 in  
2197 nonrecurring funds from the General Revenue Fund is appropriated  
2198 to the Department of Health to implement the statewide cannabis  
2199 and marijuana education and illicit use prevention campaign  
2200 established under s. 381.989, Florida Statutes.



2201           (3) For the 2017-2018 fiscal year, the sum of \$5 million  
 2202 in nonrecurring funds from the Highway Safety Operating Trust  
 2203 Fund are appropriated to the Department of Highway Safety and  
 2204 Motor Vehicles to implement the statewide impaired driving  
 2205 education campaign established under s. 381.989, Florida  
 2206 Statutes.

2207           (4) For the 2017-2018 fiscal year, the sum of \$100,000 in  
 2208 recurring funds from the Highway Safety Operating Trust Fund is  
 2209 appropriated to the Department of Highway Safety and Motor  
 2210 Vehicles for the purpose of training additional law enforcement  
 2211 officers as drug recognition experts.

2212           Section 20. This act shall take effect upon becoming a  
 2213 law.  
 2214