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LEGISLATIVE ACTION

Senate

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House

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Floor: 4/F/2R

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06/08/2017 05:44 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 381.986, Florida Statutes, is repealed.

Section 2. Section 381.99, Florida Statutes, is created to
read:

381.99 Short title.—Sections 381.99–381.9981 may be cited
as the “Putting Florida Patients First Act.”

Section 3. Section 381.991, Florida Statutes, is created to
read:



593648

12 381.991 Definitions.—As used in ss. 381.99-381.9981, the
13 term:

14 (1) "Allowed amount of marijuana" means the amount of
15 marijuana, or the equivalent amount of marijuana products, which
16 a physician determines is necessary to treat a qualifying
17 patient's debilitating medical condition.

18 (2) "Batch" means a specifically identified quantity of
19 marijuana or medical marijuana product that is uniform in
20 strain; cultivated using the same herbicides, pesticides, and
21 fungicides; and harvested from or produced at the same time at a
22 single permitted facility.

23 (3) "Caregiver" has the same meaning as provided in s. 29,
24 Art. X, of the State Constitution.

25 (4) "Cultivation" means the growth and harvesting of
26 marijuana.

27 (5) "Cultivation license" means a license issued to a
28 medical marijuana treatment center (MMTC) which grants authority
29 to the MMTC to cultivate marijuana.

30 (6) "Debilitating medical condition" means cancer,
31 epilepsy, glaucoma, positive status for human immunodeficiency
32 virus (HIV), acquired immune deficiency syndrome (AIDS), post-
33 traumatic stress disorder (PTSD), amyotrophic lateral sclerosis
34 (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis,
35 paraplegia, quadriplegia, a terminal condition, or other
36 debilitating medical conditions of the same kind or class as, or
37 comparable to, those enumerated and for which a physician
38 believes that the medical use of marijuana would likely outweigh
39 the potential health risks of that use to a patient.

40 (7) "Department" means the Department of Health.



593648

41 (8) "Dispense" means the transfer or sale of marijuana from
42 an MMTC to a qualifying patient or to the qualifying patient's
43 caregiver and may include the delivery of such marijuana
44 transferred or sold.

45 (9) "Independent testing laboratory" means a laboratory,
46 and the managers, employees, and contractors of the laboratory,
47 which does not have a direct or indirect interest in, and is not
48 owned by or affiliated with, an MMTC.

49 (10) "Marijuana" has the same meaning as provided in s. 29,
50 Art. X of the State Constitution but is limited to that intended
51 for medical use.

52 (11) "Medical marijuana patient registry" means an online
53 electronic registry created and maintained by the department to
54 store identifying information for all qualifying patients,
55 caregivers, and physicians who submit physician certification
56 forms to the department.

57 (12) "Medical marijuana patient registry identification
58 card" means a card issued by the department to qualifying
59 patients and caregivers.

60 (13) "Medical marijuana product" means a product derived
61 from marijuana, including, but not limited to, an oil, tincture,
62 cream, encapsulation, or food product containing marijuana or
63 any part of the marijuana plant, which is intended for medical
64 use.

65 (14) "Medical marijuana treatment center" or "MMTC" has the
66 same meaning as provided in s. 29, Art. X of the State
67 Constitution.

68 (15) "Medical use" has the same meaning as provided in s.
69 29, Art. X of the State Constitution.



593648

70 (16) "Minor" means a person who is younger than 18 years of
71 age.

72 (17) "Physician" means a physician who is licensed under
73 chapter 458 or chapter 459 and who meets the requirements of s.
74 381.993.

75 (18) "Principal" means an officer, a director, a billing
76 agent, or a managing employee of an MMTC, or a person or
77 shareholder who has an ownership interest equal to 5 percent or
78 more of an MMTC.

79 (19) "Process or processing" means the conversion of
80 marijuana into medical marijuana products for a qualifying
81 patient's use.

82 (20) "Processing license" means a license issued by the
83 department to an MMTC which grants the MMTC the authority to
84 process marijuana.

85 (21) "Qualifying patient" has the same meaning as provided
86 in s. 29, Art. X of the State Constitution.

87 (22) "Retail license" means a license issued by the
88 department to an MMTC which authorizes the MMTC to dispense
89 marijuana and medical marijuana products and to sell related
90 paraphernalia to qualifying patients and caregivers.

91 (23) "Transportation license" means a license issued by the
92 department to an MMTC which authorizes the MMTC to transport
93 marijuana and medical marijuana products.

94 Section 4. Section 381.992, Florida Statutes, is created to
95 read:

96 381.992 Medical marijuana.—

97 (1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
98 any other law, but subject to the requirements in ss. 381.99-



593648

99 381.9981, a qualifying patient, or his or her caregiver, may
100 purchase or acquire from an MMTC and possess up to the allowed
101 amount of marijuana, medical marijuana products, and associated
102 paraphernalia for the qualifying patient's medical use.

103 (2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
104 any other law, but subject to the requirements in ss. 381.99-
105 381.9981, an MMTC, including its employees and contractors, may
106 acquire, cultivate, possess, process, transfer, transport, sell,
107 distribute, dispense, or administer marijuana. MMTCs may:

108 (a) Cultivate marijuana only at a cultivation facility;

109 (b) Process marijuana only at a processing facility;

110 (c) Sell and distribute marijuana and medical marijuana
111 products only to other MMTCs;

112 (d) Purchase or acquire marijuana and medical marijuana
113 products only from other MMTCs or qualifying patients,
114 caregivers, or personal representatives who are returning unused
115 marijuana or medical marijuana products;

116 (e) Dispense marijuana, medical marijuana products, or
117 associated paraphernalia only to qualifying patients and
118 caregivers and only from a permitted facility operated by an
119 MMTC holding a retail license;

120 (f) Deliver marijuana and medical marijuana products to
121 qualifying patients and caregivers; and

122 (g) Transport marijuana, medical marijuana products, and
123 associated paraphernalia as necessary for the proper conduct of
124 its business in accordance with the requirements of ss. 381.99-
125 381.9981, including transportation between multiple MMTCs.

126 (3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
127 any other law, but subject to the requirements in ss. 381.99-



593648

128 381.9981, an independent testing laboratory, including its
129 employees and contractors, may receive and possess marijuana for
130 the sole purpose of testing the marijuana for compliance with
131 ss. 381.99-381.9981.

132 (4) This section does not authorize:

133 (a) The cultivation of marijuana by any person or entity
134 other than an MMTC holding a cultivation license, or
135 subcontracted entities operating under the license of an MMTC.

136 (b) The acquisition or purchase of marijuana or medical
137 marijuana products by a qualifying patient or caregiver from any
138 person or entity other than an MMTC holding a retail license.

139 (c) The use of marijuana or medical marijuana products by
140 anyone other than the qualifying patient for whom the marijuana
141 was certified.

142 (d) The dispensing of marijuana or medical marijuana
143 products to anyone other than a qualifying patient or caregiver.

144 (e) The transfer of marijuana or medical marijuana products
145 by a qualifying patient or caregiver to any entity except for
146 the purpose of returning unused marijuana or medical marijuana
147 products to an MMTC.

148 (f) The use of marijuana or medical marijuana products:

149 1. On any form of public transportation;

150 2. In a public place, as defined in s. 877.21; or

151 3. In a qualifying patient's place of work, if restricted
152 by his or her employer.

153 (g) The possession or use of marijuana or medical marijuana
154 products:

155 1. In a correctional facility, unless approved by the
156 warden or administrator of the facility, administered under



593648

157 medical supervision, and administered and stored in a restricted
158 area inaccessible to inmates other than the qualifying patient.

159 2. On the grounds of a preschool, primary school, or
160 secondary school, unless authorized by the superintendent.

161 3. On a school bus.

162 (5) This section does not exempt any person from the
163 prohibition against driving under the influence as provided
164 under s. 316.193.

165 (6) Except for s. 386.2045, part II of chapter 386 applies
166 to the smoking of marijuana or medical marijuana products. The
167 department may by rule restrict the smoking of marijuana or
168 medical marijuana products in any facility licensed by this
169 state that provides care or services to children or frail or
170 elderly adults.

171 Section 5. Section 381.993, Florida Statutes, is created to
172 read:

173 381.993 Physician certification; patient and caregiver
174 registration; medical marijuana patient registry identification
175 cards; issuance and renewal of physician certification.—

176 (1) PHYSICIAN CERTIFICATION.—Before a patient may register
177 with the department and obtain a medical marijuana patient
178 registry identification card, the patient must be certified by a
179 physician, using a physician certification form provided by the
180 department, to be suffering from a debilitating medical
181 condition. The physician must also certify that the benefits to
182 the patient of the medical use of marijuana would likely
183 outweigh the potential health risks. The physician certification
184 must specify the allowed amount of marijuana or medical
185 marijuana products necessary, if such allowed amount is



593648

186 determined, to treat the patient's condition or symptom. A
187 certifying physician must submit the physician certification
188 form to the department by United States mail or electronically,
189 through the department's website.

190 (a) A physician may certify a patient to the department as
191 a patient if:

192 1. The physician, in his or her good faith medical
193 judgment, certifies that the patient suffers from one or more
194 debilitating medical conditions;

195 2. The physician does not have a financial interest in an
196 MMTC or in an independent testing laboratory that conducts tests
197 of marijuana or medical marijuana products; and

198 3. The physician has successfully completed an 8-hour
199 course and subsequent examination offered by the Florida Medical
200 Association or the Florida Osteopathic Medical Association, as
201 appropriate, which encompasses clinical indications for the
202 appropriate medical use of marijuana, appropriate delivery
203 mechanisms, contraindications of the medical use of marijuana,
204 and relevant state and federal laws governing the ordering,
205 dispensing, and possession of marijuana. The appropriate boards
206 shall offer the course and examination at least annually.
207 Successful completion of the course may be used by the physician
208 to satisfy 8 hours of the continuing medical education
209 requirements imposed by his or her respective board for
210 licensure renewal. The course may be offered in a distance
211 learning format.

212 (b) If the patient subject to the certification is a minor,
213 the patient's parent or legal guardian must also provide to the
214 physician written consent for the patient's treatment with



593648

215 marijuana before the physician may submit the physician
216 certification form to the department.

217 (c) Unless the certifying physician certifies a patient to
218 use marijuana for less than 1 year, the patient's physician
219 certification expires when the patient's medical marijuana
220 patient registry identification card expires.

221 (2) PATIENT AND CAREGIVER REGISTRATION.—A patient must
222 register with the department and be issued a medical marijuana
223 patient registry identification card before acquiring or using
224 marijuana or medical marijuana products.

225 (a) To register, a patient must submit the following to the
226 department:

227 1. A completed patient and caregiver registration form,
228 provided by the department. If the patient is a minor, a parent
229 or legal guardian of the minor must provide his or her written
230 consent on the patient and caregiver registration form for the
231 minor patient's use of marijuana or medical marijuana products.
232 Without the written consent of a parent or legal guardian, a
233 minor patient may not be registered and may not obtain a medical
234 marijuana patient registry identification card; and

235 2. Separate passport-type, color photographs, taken within
236 90 days before submission to the department, of the patient and
237 of each of the patient's caregivers, if any.

238 (b) An adult qualifying patient may, at his or her initial
239 registration or at any time while a qualifying patient,
240 designate a caregiver. The adult qualifying patient may also
241 designate up to two additional caregivers to assist him or her
242 with the medical use of marijuana, who may be selected from
243 among the patient's spouse, parents, legal guardians, adult



593648

244 children, siblings, or the employees of the assisted living
245 facility or other health care facility where the qualifying
246 patient resides. A caregiver must meet the following
247 requirements:
248 1. Be at least 18 years of age;
249 2. Complete a 2-hour medical marijuana caregiver training
250 course offered by the department; and
251 3. Have passed a level 2 background screening pursuant to
252 chapter 435 within the previous year. The following persons are
253 exempt from this subparagraph:
254 a. The qualifying patient's spouse, parents, legal
255 guardian, adult children, or siblings; and
256 b. A health care worker who is subject to s. 408.809, who
257 is caring only for the qualifying patient and other patients who
258 reside in the same assisted living facility, nursing home, or
259 other such facility, and who is an employee of that facility.
260 (c) A caregiver may not assist more than one qualifying
261 patient at any given time unless all of his or her qualifying
262 patients:
263 1. Are the parents, legal guardians, or adult children of
264 the caregiver or are siblings having a common parent or legal
265 guardian with each other and the caregiver. This exception also
266 applies to an adult for whom the caregiver is a legal guardian;
267 2. Are first-degree relatives of each other who share a
268 common residence; or
269 3. Reside in the same assisted living facility, nursing
270 home, or other such facility and the caregiver is an employee of
271 that facility.
272 (d) When registering a minor patient, the department shall



593648

273 designate the parent or legal guardian who provided his or her
274 written consent on the patient and caregiver registration form
275 as the minor patient's caregiver, unless the department
276 determines that person to be unqualified, unavailable, or
277 unwilling to be the caregiver. In that instance, the department
278 shall designate another parent or legal guardian of the minor
279 patient as his or her caregiver. A minor patient may not
280 purchase or acquire marijuana or medical marijuana products. The
281 caregiver of a minor patient is responsible for all marijuana
282 and medical marijuana products purchased, acquired, or possessed
283 for the minor patient.

284 (e) If the department determines that, for any reason, a
285 caregiver designated by a qualifying patient may not assist that
286 qualifying patient, the department must notify the qualifying
287 patient that the caregiver's registration is disallowed.

288 (3) DEPARTMENT RESPONSIBILITIES.-

289 (a) By November 1, 2017, the department shall create:

290 1. A physician certification form and a patient and
291 caregiver registration form and make the forms available to the
292 public. The forms must contain space and fields sufficient to
293 allow the submission of the information required to be included
294 in the file of a qualifying patient and the files of the
295 qualifying patient's caregiver and certifying physicians
296 maintained in the medical marijuana patient registry pursuant to
297 s. 381.994(1). In addition, the patient and caregiver
298 registration form must require the parent or legal guardian of a
299 minor patient to provide written consent for the minor patient
300 to use marijuana or medical marijuana products; and

301 2. A 2-hour medical marijuana caregiver training course.



593648

302 The course must be available online and for the public to attend
303 at permitted facilities operated by an MMTC holding a retail
304 license. The training course must include, at a minimum, routes
305 of administration, details on possible side effects of and
306 adverse reactions to marijuana and medical marijuana products,
307 and patient and caregiver restrictions and responsibilities
308 under this act and department rule.

309 (b) Beginning as soon as practicable, but not later than
310 December 3, 2017, the department shall, within 14 days after a
311 patient submits the documentation required in paragraph (2) (a)
312 to register with the department and a physician submits a
313 physician certification form for that patient to the department:

314 1. Register the qualifying patient, his or her caregiver,
315 and the certifying physician in the medical marijuana patient
316 registry and enter the information required under s. 381.994(1)
317 in the patient's, caregiver's, and certifying physician's
318 registry files. The department shall enter the allowed amount of
319 marijuana recommended by the qualifying patient's physician and
320 the length of time for which the physician recommends the
321 patient medically use marijuana, as recorded on the physician
322 certification form, if applicable; and

323 2. Issue medical marijuana patient registry identification
324 cards to the qualifying patient and, if applicable, to the
325 qualifying patient's caregiver.

326 (c) A medical marijuana patient registry identification
327 card issued to a qualifying patient must be resistant to
328 counterfeiting and must include, but need not be limited to, the
329 following information:

330 1. The qualifying patient's full legal name;



593648

331 2. The qualifying patient's photograph, submitted as
332 required under paragraph (2) (a);
333 3. A randomly assigned identification number;
334 4. The qualifying patient's allowed amount of marijuana;
335 5. If applicable, the full legal name and corresponding
336 medical marijuana patient registry identification card number
337 for each of the qualifying patient's caregivers, if any; and
338 6. The expiration date of the card.
339 (d) A medical marijuana patient registry identification
340 card issued to a caregiver must be resistant to counterfeiting
341 and must include, but need not be limited to, the following
342 information:
343 1. The caregiver's full legal name;
344 2. The caregiver's photograph, submitted as required under
345 paragraph (2) (a);
346 3. A randomly assigned identification number;
347 4. The expiration date of the card; and
348 5. If the caregiver is assisting three or fewer qualifying
349 patients, the full legal name, medical marijuana patient
350 registry identification card number, and the allowed amount of
351 marijuana for each of the caregiver's qualifying patients; or
352 6. If the caregiver is assisting four or more qualifying
353 patients, a statement that the caregiver is assisting multiple
354 patients.
355 (e) A person who is a caregiver for more than one
356 qualifying patient must have a separate medical marijuana
357 patient registry identification card linked to each qualifying
358 patient for whom he or she is a caregiver.
359 (f) The department may contract with independent third



593648

360 parties, through competitive procurement, to fulfil the
361 requirements of this paragraph.

362 (4) EXPIRATION AND RENEWAL OF PATIENT AND CAREGIVER
363 REGISTRATION AND REGISTRY IDENTIFICATION CARDS.- Unless the
364 certifying physician certifies a patient to use marijuana for
365 less than 1 year, a qualifying patient's, and, if applicable,
366 his or her caregiver's registration with the department under
367 subsection (2) and their medical marijuana patient registry
368 identification cards expire 1 year after the date the qualifying
369 patient's medical marijuana patient registry identification card
370 is issued under subparagraph (3) (b)2. In order to renew the
371 registration and the medical marijuana patient registry
372 identification cards of the qualifying patient and his or her
373 caregiver, a physician must certify to the department:

374 (a) That he or she has examined the patient during the
375 course of the patient's treatment with marijuana;

376 (b) That the patient suffers from a debilitating medical
377 condition;

378 (c) That the medical use of marijuana would likely outweigh
379 the potential health risks for the patient;

380 (d) The allowed amount of marijuana, if the physician has
381 determined a specified amount is necessary to treat the patient;
382 and

383 (e) The length of time the physician recommends the patient
384 medically use marijuana.

385
386 If the qualifying patient is a minor, a parent or legal guardian
387 of the qualifying patient must indicate in writing his or her
388 continued consent for the qualifying minor patient's treatment



593648

389 using marijuana.

390 (5) PATIENT AND CAREGIVER DISQUALIFICATION.—

391 (a) If the department becomes aware of information that
392 would disqualify a qualifying patient or caregiver from being
393 registered with the department under this section, the
394 department must notify the qualifying patient or caregiver, as
395 applicable, of the change in his or her status as follows:

396 1. For a qualifying patient, at least 30 days before
397 removing the patient from the medical marijuana patient
398 registry, the department shall give notice of such action to the
399 qualifying patient at the address in the registry. It is the
400 patient's duty to ensure the return of all marijuana and medical
401 marijuana products and his or her medical marijuana patient
402 registry identification card to a permitted facility operated by
403 an MMTC holding a retail license within 30 days after receiving
404 the notice. Such retail facility must notify the department
405 within 24 hours after it has received a return of marijuana,
406 medical marijuana products, or a medical marijuana patient
407 registry identification card. The retail facility may provide
408 such notice electronically.

409 2. For a caregiver, at least 15 days before removing the
410 caregiver from the medical marijuana patient registry, the
411 department shall give notice of such action to the caregiver and
412 the caregiver's qualifying patient. It is the caregiver's duty
413 to ensure the return of his or her medical marijuana patient
414 registry identification card to a permitted facility operated by
415 an MMTC holding a retail license within 15 days after receiving
416 the notice. Such retail facility must notify the department
417 within 24 hours after it has received such a return. The retail



593648

418 facility may provide such notice electronically.

419 (b) If a qualifying patient dies, it is the duty of the
420 qualifying patient's caregiver or the qualifying patient's
421 personal representative to ensure the return of all marijuana
422 and medical marijuana products and the qualifying patient's
423 medical marijuana patient registry identification card to a
424 permitted facility operated by an MMTC holding a retail license
425 within 30 days after the patient's death. Within 30 days after
426 the qualifying patient's death, the qualifying patient's
427 caregiver must return his or her medical marijuana patient
428 registry identification card linked to the deceased patient to
429 such a retail facility. If a caregiver dies, it is the duty of
430 the qualifying patient or the caregiver's next of kin to ensure
431 the return of the caregiver's medical marijuana patient registry
432 identification card to such a retail facility within 30 days
433 after the caregiver's death. When receiving the medical
434 marijuana patient registry identification card of a deceased
435 qualifying patient, the caregiver of a deceased patient, or a
436 deceased caregiver, such retail facility must update the medical
437 marijuana patient registry to note the death of the deceased and
438 notify the department of the return of the medical marijuana
439 patient registry identification cards. The retail facility may
440 provide such notice electronically.

441 (c) The department shall, on a quarterly basis, compare all
442 of the qualifying patients and caregivers in the medical
443 marijuana patient registry with the records of deaths on file in
444 its electronic death registration system in order to identify
445 any qualifying patient or caregiver who is deceased but is not
446 yet identified as such in the registry. If the department



593648

447 becomes aware that a qualifying patient or caregiver is
448 deceased, the department must send notice to the appropriate
449 party of his or her duties under paragraph (b) and adjust the
450 qualifying patient's or caregiver's file in the medical
451 marijuana patient registry.

452 (d) If, after a qualifying patient or caregiver is
453 disqualified or deceased or a qualifying patient's or
454 caregiver's registration has expired, the department becomes
455 aware that the qualifying patient's or caregiver's medical
456 marijuana patient registry identification card has not been
457 returned to a permitted facility operated by an MMTC holding a
458 retail license, the department must send a second notice to the
459 qualifying patient or caregiver and notify the local police
460 department or sheriff's office of the expired or cancelled
461 medical marijuana patient registry identification card.

462 (e) The department may adopt rules as necessary to
463 implement a process for an MMTC holding a retail license to
464 accept and dispose of returned marijuana or medical marijuana
465 products and patient and caregiver medical marijuana patient
466 registry identification cards.

467 Section 6. Section 381.994, Florida Statutes, is created to
468 read:

469 381.994 Medical marijuana patient registry.-

470 (1) The department shall create a secure, online medical
471 marijuana patient registry that contains a file for each
472 qualifying patient and caregiver and for each certifying
473 physician. The department is authorized to contract with third
474 parties to implement the requirements of this section.

475 (a) The file for a qualifying patient must include, but



593648

476 need not be limited to:

477 1. The qualifying patient's full legal name;

478 2. The qualifying patient's photograph, submitted as
479 required under s. 381.993(2)(a);

480 3. The randomly assigned identification number on the
481 qualifying patient's medical marijuana patient registry
482 identification card;

483 4. The qualifying patient's allowed amount of marijuana;

484 5. The full legal name and corresponding identification
485 number of the medical marijuana patient registry identification
486 card of each of the qualifying patient's caregivers, if any;

487 6. The recommended duration for the medical use of
488 marijuana as stated on the patient's physician recommendation;

489 7. The expiration date of the qualifying patient's medical
490 marijuana patient registry identification card; and

491 8. The date and time that marijuana or medical marijuana
492 products are dispensed and the amount of marijuana or medical
493 marijuana products dispensed, for each of the qualifying
494 patient's transactions with an MMTC holding a retail license.

495 (b) The file for a caregiver must include, but need not be
496 limited to:

497 1. The caregiver's full legal name;

498 2. The caregiver's photograph, submitted as required under
499 s. 381.993(2)(a);

500 3. The randomly assigned identification number on each of
501 the caregiver's medical marijuana patient registry
502 identification cards;

503 4. The full legal names and identification numbers on the
504 medical marijuana patient registry identification cards of the



593648

505 qualifying patients who have designated the caregiver, each
506 patient linked to the caregiver's medical marijuana patient
507 registry identification card number for that patient;

508 5. The allowed amount of marijuana, if applicable, as
509 entered in the qualifying patient's file in the medical
510 marijuana patient registry, for each qualifying patient to whom
511 the caregiver's cards are linked;

512 6. The expiration dates of the caregiver's medical
513 marijuana patient registry identification cards; and

514 7. The date and time that marijuana or medical marijuana
515 products are dispensed and the amount of marijuana or medical
516 marijuana products dispensed, for each of the registered
517 caregiver's transactions with an MMTC holding a retail license.

518 (c) The file for a certifying physician must include, but
519 need not be limited to:

- 520 1. The certifying physician's full legal name; and
521 2. The certifying physician's license number.

522 (2) The medical marijuana patient registry must meet all of
523 the following criteria:

524 (a) Be accessible to MMTCs holding a retail license to
525 verify the authenticity of a medical marijuana patient registry
526 identification card, to verify a qualifying patient's allowed
527 amount of marijuana and medical marijuana products, and to
528 determine the prior dates and times when marijuana was dispensed
529 to the qualifying patient or the qualifying patient's caregiver
530 and the amount dispensed on each occasion.

531 (b) Be able to accept in real time an original or a new
532 physician certification form from a certifying physician which
533 includes an original or updated physician recommendation for a



593648

534 qualifying patient's allowed amount of marijuana.

535 (c) Be accessible to law enforcement in real time in order
536 to verify authorization for the possession of marijuana by a
537 qualifying patient or caregiver.

538 (d) Be able to accept and post initial and updated
539 information to each qualifying patient's or caregiver's file
540 from an MMTC holding a retail license which shows the date,
541 time, and amount of marijuana dispensed to that qualifying
542 patient or caregiver at the point of sale.

543 Section 7. Section 381.995, Florida Statutes, is created to
544 read:

545 381.995 Medical Marijuana Treatment Centers.—

546 (1) DEPARTMENT RESPONSIBILITIES.—The department shall
547 establish operating standards for the cultivation, processing,
548 packaging, and labeling of marijuana; standards for the sale of
549 marijuana; procedures and requirements for the registration and
550 registration renewal of MMTCs, for the issuance and renewal of
551 cultivation, processing, transportation, and retail licenses,
552 and for the issuance and renewal of cultivation facility,
553 processing facility, transportation, and retail facility
554 permits; procedures for registering all principals, employees,
555 and contractors of MMTCs who will participate in the operations
556 of the MMTC; and procedures for issuing MMTC employee
557 identification cards to registered principals, employees, and
558 contractors of MMTCs.

559 (2) MMTC REGISTRATION.—

560 (a) The department shall charge a registration fee upon
561 initial registration of an MMTC not to exceed \$1,000 and a
562 renewal fee upon the renewal of an MMTC's registration not to



593648

563 exceed \$500. The department shall develop a registration form
564 for registration which, at a minimum, must require the applicant
565 to indicate:

566 1. The full legal name of the applicant;

567 2. The physical address of each location where marijuana
568 will be cultivated, processed, dispensed, or stored, as
569 applicable to the indicated function of the applicant;

570 3. The name, address, and date of birth of each of the
571 applicant's principals;

572 4. The name, address, and date of birth of each of the
573 applicant's current employees and contractors who will
574 participate in the operations of the MMTC; and

575 5. The marijuana production functions in which the
576 applicant intends to engage, which may include one or more of
577 the following:

578 a. Cultivation;

579 b. Processing;

580 c. Dispensing; and

581 d. Transporting.

582 (b) By October 3, 2017, the department shall begin
583 registering MMTCs that have submitted completed applications for
584 registration. To be registered as an MMTC, an applicant must
585 submit to the department:

586 1. A completed registration form;

587 2. The initial registration fee;

588 3. Registration and MMTC employee identification card
589 applications for all principals, employees, and contractors who
590 will participate in the operations of the MMTC;

591 4. Proof that all principals who will not participate in



593648

592 the operations of the MMTC have passed a level 2 background
593 screening pursuant to chapter 435 within the previous year;

594 5. Proof of the financial ability to maintain operations
595 for the duration of the registration; and

596 6. A \$1 million performance and compliance bond, to be
597 forfeited if the MMTC fails to comply with the registration
598 requirements of this subsection during the registration period
599 or fails to comply with the material requirements of this
600 section that are applicable to the functions the applicant
601 intends to perform as indicated on the registration application.

602
603 Registration as an MMTC may not be granted until all principals,
604 employees, and contractors who will participate in the
605 operations of the MMTC have registered with the department and
606 have been issued MMTC employee identification cards.

607 (c) An MMTC registration lasts for a period of 2 years and
608 must be renewed by the MMTC before the registration's expiration
609 in a manner consistent with department rule for the renewal of
610 MMTC registrations.

611 (d) MMTCs may not cultivate, process, dispense, or
612 transport marijuana or medical marijuana products without first
613 obtaining the corresponding license for that function from the
614 department as required in this section.

615 (e) The department shall develop rules administering the
616 use of a seed-to-sale real time tracking system for medical
617 marijuana products. An MMTC may not be registered unless it
618 demonstrates the capability of complying with the requirements
619 of the seed-to-sale tracking system. The department may contract
620 with a third party to develop or administer the seed-to-sale



593648

621 tracking system.

622 (3) LICENSE AND PERMIT APPLICATION AND RENEWAL FEES.—

623 (a) The department may charge an initial application fee
624 not to exceed \$1,000, a licensure fee not to exceed \$50,000, and
625 a biennial renewal fee not to exceed \$50,000 for a cultivation
626 license.

627 (b) For a processing license, the department may charge an
628 initial application fee not to exceed \$1,000, a licensure fee
629 not to exceed \$50,000, and a biennial renewal fee not to exceed
630 \$50,000.

631 (c) For a retail license, the department may charge an
632 initial application fee not to exceed \$1,000, a licensure fee
633 not to exceed \$10,000, and a biennial renewal fee not to exceed
634 \$10,000.

635 (d) For a transportation license, the department may charge
636 an initial application fee not to exceed \$1,000, a licensure fee
637 not to exceed \$10,000, and a biennial renewal fee not to exceed
638 \$10,000.

639 (e) For each facility permit issued, the department may
640 charge an initial permitting fee not to exceed \$5,000 and a
641 biennial renewal fee not to exceed \$5,000.

642 (4) CULTIVATION AND PROCESSING LICENSES.—The department
643 shall begin issuing cultivation licenses and processing licenses
644 by October 3, 2017.

645 (a) An MMTC may apply for a cultivation license, a
646 processing license, or both. When applying, the MMTC must
647 provide the department, at a minimum, with all of the following:

648 1. A completed cultivation license or processing license
649 application form;



593648

- 650 2. The initial application fee, which must be submitted
651 with the completed application form;
- 652 3. The physical address of each location where marijuana
653 will be cultivated, processed, or stored;
- 654 4. Proof of an established infrastructure or the ability to
655 establish an infrastructure in a reasonable amount of time which
656 is designed to, as applicable to the license or licenses
657 requested, cultivate, process, test, package, or label marijuana
658 or medical marijuana products and to maintain the
659 infrastructure's security and prevent the theft or diversion of
660 any marijuana or medical marijuana product;
- 661 5. Proof that the applicant possesses the technical and
662 technological ability to cultivate and test marijuana or process
663 and test marijuana, as applicable to the license or licenses
664 requested;
- 665 6. Proof of operating procedures designed to secure and
666 maintain accountability for all marijuana, medical marijuana
667 products, and marijuana-related byproducts that come into the
668 applicant's possession, and comply with the required seed-to-
669 sale tracking system;
- 670 7. Proof of at least \$1 million of hazard and liability
671 insurance for each facility where cultivation or processing of
672 marijuana or medical marijuana products occur; and
- 673 8. The licensure fee, which the department must receive
674 before it may issue the license.
- 675 (b) Cultivation licenses and processing licenses expire 2
676 years after the date issued. The licensee must apply for a
677 renewed license before the expiration date. In order to receive
678 a renewed license, the licensee must meet all of the



593648

679 requirements for initial licensure; must provide all of the
680 documents required under paragraph (a), accompanied by the
681 renewal fee, but not by the initial application fee or licensure
682 fee; and must not have any outstanding substantial violations of
683 the standards adopted by department rule for the cultivation,
684 processing, testing, packaging, and labeling of marijuana and
685 medical marijuana products.

686 (c) Before beginning cultivation or processing, the
687 licensee must obtain an operating permit from the department for
688 each facility where cultivation or processing will occur. Upon
689 receiving a request for a permit from a licensee, the department
690 shall inspect the facility pursuant to subsection (8) for
691 compliance with state law, and rules adopted thereunder, and,
692 upon a determination of compliance, shall issue an operating
693 permit for the facility. The department must issue or deny the
694 operating permit for a facility within 30 days after receiving
695 the request for a permit.

696 (d) If a facility's operating permit expires, the facility
697 must cease all applicable operations until the department
698 reinspects the facility and issues a new operating permit upon a
699 determination of compliance.

700 (e) Cultivation facilities and processing facilities must
701 be secure and closed to the public and may not be located within
702 1,000 feet of an existing public or private elementary or
703 secondary school, a child care facility as defined in s.
704 402.302, or a licensed service provider offering substance abuse
705 services. The department may establish by rule additional
706 security and zoning requirements for cultivation facilities and
707 processing facilities. All matters regarding the permitting and



593648

708 regulation of cultivation facilities and processing facilities,
709 including the location of such facilities, are preempted to the
710 state.

711 (f) Licensees under this subsection may use contractors to
712 assist with the cultivation or processing of marijuana, as
713 applicable, but the licensee is ultimately responsible for all
714 of the operations performed by each contractor relating to the
715 cultivation or processing of marijuana and is responsible for
716 the physical possession of all marijuana and medical marijuana
717 products. All work done by a contractor must be performed at a
718 facility with an operating permit issued by the department. All
719 principals and employees of contractors contracted by a licensee
720 under this subsection who will participate in the operations of
721 the licensee must be registered with the department and issued
722 MMTC employee identification cards.

723 (g) All marijuana byproducts that cannot be processed or
724 that cannot be reprocessed into medical marijuana products must
725 be destroyed by the cultivation or processing licensee or its
726 contractor within 30 days after the production of the
727 byproducts.

728 (h) Licensees under this subsection may wholesale marijuana
729 and medical marijuana products only to other MMTCs.

730 (i) Transport or delivery of marijuana or medical marijuana
731 products outside of property owned by a licensee under this
732 subsection may be performed only by an MMTC that holds a
733 transportation license issued pursuant to subsection (6).

734 (5) RETAIL LICENSES.—The department shall begin issuing
735 retail licenses by October 3, 2017.

736 (a) An MMTC may apply for a retail license. When applying,



593648

737 the MMTC must provide the department, at a minimum, with all of
738 the following:

739 1. A completed retail license application form;

740 2. The initial application fee, which must be submitted
741 with the completed application form;

742 3. A statement by the applicant indicating whether the
743 applicant intends to dispense by delivery. A retail licensee may
744 not deliver marijuana or medical marijuana products without also
745 obtaining a transportation license pursuant to subsection (6);

746 4. The physical address of each location where marijuana or
747 medical marijuana products will be dispensed or stored;

748 5. Identifying information for all other current or
749 previous retail licenses held by the applicant or any of the
750 applicant's principals;

751 6. Proof of an established infrastructure, or the ability
752 to establish an infrastructure in a reasonable amount of time,
753 which is designed to receive marijuana or medical marijuana
754 products from a cultivation licensee or a processing licensee
755 and to maintain the infrastructure's security and prevent the
756 theft or diversion of any marijuana or medical marijuana
757 product;

758 7. Proof of operating procedures designed to secure and
759 maintain accountability for all marijuana and medical marijuana
760 products that the applicant receives and possesses; ensure that
761 the allowed amount of marijuana and the specified type of
762 marijuana is correctly dispensed to a qualifying patient or his
763 or her caregiver pursuant to a physician's certification; and
764 monitor the medical marijuana patient registry and
765 electronically update the registry with dispensing information;



593648

766 8. Proof of at least \$500,000 of hazard and liability
767 insurance for each facility where marijuana or medical marijuana
768 products are dispensed or stored; and

769 9. The licensure fee, which the department must receive
770 before it may issue the license.

771 (b) A retail license expires 2 years after the date it is
772 issued. The retail licensee must apply for a renewed license
773 before the expiration date. In order to receive a renewed
774 license, a retail licensee must meet all of the requirements for
775 initial licensure; must provide all of the documents required
776 under paragraph (a), accompanied by the renewal fee, but not by
777 the initial application fee or licensure fee; and must not have
778 any outstanding substantial violations of the applicable
779 standards adopted by department rule.

780 (c) Before beginning to dispense or store marijuana or
781 medical marijuana products, the licensee must obtain an
782 operating permit from the department for each facility where
783 marijuana or medical marijuana products will be dispensed or
784 stored. Upon receiving a request for a permit from a licensee,
785 the department shall inspect the facility pursuant to subsection
786 (8) for compliance with state law, and rules adopted thereunder.
787 Upon a determination of compliance, and if the county has not
788 reached its maximum number of permits and has not disallowed
789 permits in that county pursuant to paragraph (e), the department
790 shall issue an operating permit for the facility. The department
791 must issue or deny the operating permit for a facility within 30
792 days after receiving the request for a permit. An MMTTC holding a
793 retail license must have a separate operating permit for each
794 retail facility it operates.



593648

795 (d) The department may not grant an operating permit if the
796 proposed retail facility is located within 1,000 feet of an
797 existing public or private elementary or secondary school, a
798 child care facility as defined in s. 402.302, or a licensed
799 service provider offering substance abuse services.

800 (e) The number of permitted retail facilities in a county
801 may not exceed one for each 25,000 residents of the county. The
802 governing body of a county or municipality may, by ordinance,
803 refuse to allow retail facilities to be located within its
804 jurisdiction, but may not prohibit an MMTC with a retail license
805 from locating within its jurisdiction if the licensee is using a
806 transportation operating permit to deliver medical marijuana
807 products to qualifying patients within the jurisdiction. The
808 department may not issue an operating permit for a retail
809 facility in a county or municipality where the board of county
810 commissioners of that county or the city council or other
811 legislative body of that municipality has adopted such an
812 ordinance. A county or municipality may levy a local business
813 tax on a retail facility. If the number of operating permit
814 applications determined by the department to comply with state
815 law and rules adopted thereunder for retail facilities located
816 in the same county exceeds the number of operating permits
817 allowed for that county under this paragraph, the department
818 shall employ a lottery system to determine the issuance of
819 operating permits for that county and may not issue more than
820 one operating permit in that county to a single MMTC. The
821 department may issue an operating permit to an MMTC for an
822 additional retail facility in the same county if the remaining
823 number of allowed, but as yet unissued, permits in that county



593648

824 is greater than the number of qualified applications filed by
825 applicants holding fewer operating permits in that county than
826 the MMTC. An ordinance adopted by a municipality or county
827 pursuant to this paragraph may not:

828 1. Provide exclusive access to one or several individuals
829 or entities to operate retail facilities within the
830 jurisdiction.

831 2. Prohibit specific individuals or entities from operating
832 a retail facility within the jurisdiction if the ordinance
833 allows retail facilities to operate in the jurisdiction.

834 3. Prohibit the delivery of medical marijuana products to
835 qualifying patients within the jurisdiction by a properly
836 licensed MMTC located within the jurisdiction.

837 (f) Before the expiration of an operating permit for a
838 retail facility, the licensee shall apply for a renewal permit
839 and the department shall reinspect the facility and issue a new
840 operating permit for that facility upon a determination of
841 compliance.

842 (g) A retail licensee or an employee of the retail licensee
843 may dispense the allowed amount of marijuana to a qualifying
844 patient or the patient's caregiver only if the retail licensee
845 or employee:

846 1. Verifies the authenticity of the qualifying patient's or
847 caregiver's medical marijuana patient registry identification
848 card with the medical marijuana patient registry;

849 2. Verifies the physician's prescription for marijuana with
850 the medical marijuana patient registry;

851 3. Determines that the qualifying patient has not been
852 dispensed the allowed amount of marijuana within the previous 29



593648

853 days, if an allowed amount has been determined by his or her
854 physician;

855 4. Issues to the qualifying patient or the qualifying
856 patient's caregiver a receipt that details the date and time of
857 dispensing, the amount of marijuana dispensed, and the person to
858 whom the marijuana was dispensed; and

859 5. Updates the medical marijuana patient registry with the
860 date and time of dispensing and the amount and type of marijuana
861 being dispensed to the qualifying patient before dispensing to
862 the qualifying patient or the qualifying patient's caregiver.

863 (h) A retail facility may not repackage or modify a medical
864 marijuana product that has already been packaged for retail sale
865 by a cultivation or processing licensee, unless the repackaging
866 is of unprocessed marijuana and is done in accordance with
867 instructions from the cultivator and such repackaging is
868 documented in the required seed-to-sale tracking system.

869 (i) A retail licensee may contract with an MMTC that has a
870 transportation license to transport marijuana and medical
871 marijuana products between properties owned by the retail
872 licensee, deliver the marijuana and medical marijuana products
873 to the residence of a qualifying patient, and pick up returns of
874 marijuana and medical marijuana products.

875 (j) Onsite consumption of marijuana or medical marijuana
876 products at a retail facility is prohibited.

877 (6) TRANSPORTATION LICENSES.—

878 (a) The department shall adopt rules under which it will
879 issue transportation licenses to MMTCs and permit vehicles under
880 this subsection. An MMTC may apply for a transportation license.
881 When applying, the MMTC must provide the department, at a



593648

882 minimum, with all of the following:

883 1. The physical address of the licensee's place of
884 business;

885 2. Proof of a documentation system in accordance with the
886 required seed-to-sale tracking system, including transportation
887 manifests, for the transportation of marijuana and medical
888 marijuana products between licensed facilities and to qualifying
889 patients;

890 3. Proof of health and sanitation standards for the
891 transportation of marijuana and medical marijuana products; and

892 4. Proof that all marijuana and medical marijuana products
893 transported between licensed facilities will be transported in
894 tamper-evident shipping containers.

895 (b) Medical marijuana may not be transported on the
896 property of an airport, a seaport, a spaceport, or any property
897 of the Federal Government.

898 (c) A transportation licensee may transport marijuana or
899 medical marijuana products only in a vehicle that is owned or
900 leased by the licensee or a contractor of the licensee and for
901 which a valid vehicle permit has been issued by the department.

902 (d) A vehicle permit may be obtained by an MMTC holding a
903 transportation license upon application and payment of a fee of
904 \$500 per vehicle to the department. The MMTC must designate an
905 employee or contracted employee as the driver for each permitted
906 vehicle. Such designation must be displayed in the vehicle at
907 all times. The permit remains valid and does not expire unless
908 the MMTC or its contractor disposes of the permitted vehicle or
909 the MMTC's registration or transportation license is
910 transferred, cancelled, not renewed, or revoked by the



593648

911 department. The department shall cancel a vehicle permit upon
912 the request of the MMTC or its contractor.

913 (e) By acceptance of a license issued under this
914 subsection, the MMTC and its contracted agent, if applicable,
915 agree that a permitted vehicle is, at all times it is being used
916 to transport marijuana or medical marijuana products, subject to
917 inspection and search without a search warrant by authorized
918 employees of the department, sheriffs, deputy sheriffs, police
919 officers, or other law enforcement officers to determine that
920 the MMTC is operating in compliance with this section.

921 (f) An MMTC with a transportation license may deliver, or
922 contract for the delivery of, marijuana and medical marijuana
923 products to qualifying patients and caregivers within the state.

924 An MMTC or its contractor must verify the identity of the
925 qualifying patient upon placement of the delivery order and
926 again upon delivery. Deliveries may only be made to the same
927 qualifying patient who placed the order or, if the patient is
928 unable to accept delivery, his or her caregiver. A county or
929 municipality may not prohibit deliveries of marijuana or medical
930 marijuana products to qualifying patients within the county or
931 municipality. The department shall adopt rules specific to the
932 delivery of marijuana and medical marijuana products to
933 qualifying patients and caregivers. Such rules must include:

934 1. Procedures for verifying the identity of the person
935 submitting and receiving a delivery, including required training
936 for delivery personnel; and

937 2. A maximum retail value for all marijuana, medical
938 marijuana products, and currency that may be in the possession
939 of an MMTC employee or contractor while making a delivery. The



593648

940 minimum value established by rule may not be less than \$5,000.

941 (g) Licensees under this subsection may use contractors to
942 assist with the transportation of marijuana but the licensee is
943 ultimately responsible for all of the actions and operations of
944 each contractor relating to the transportation of marijuana and
945 must know the location of all marijuana and medical marijuana
946 products at all times. All principals and employees of
947 contractors contracted by a licensee under this subsection who
948 will participate in the operations of the licensee must be
949 registered with the department and issued an MMTC employee
950 identification card.

951 (7) ADVERTISING PROHIBITED.—An MMTC may not advertise its
952 marijuana or medical marijuana products. As used in this
953 subsection, the term “advertise” means to advise on, announce,
954 give notice of, publish, or call attention to a product by use
955 of an oral, written, or graphic statement made in a newspaper or
956 other publication, on radio or television, or in any electronic
957 medium; contained in a notice, handbill, flyer, catalog, letter,
958 or sign, including signage on a vehicle; or printed on or
959 contained in a tag or label attached to or accompanying
960 marijuana or a medical marijuana product.

961 (8) INSPECTIONS OF MMTC FACILITIES.—

962 (a) Inspections of MMTC facilities, other than those
963 inspections required to determine compliance with firesafety
964 standards or building codes or for law enforcement purposes, are
965 preempted to the state and may be conducted by the department.
966 The department shall inspect and permit for operation each MMTC
967 facility used for cultivation, processing, or dispensing
968 marijuana or medical marijuana products before the facility



593648

969 begins operations. The department shall inspect each permitted
970 facility, as well as any property used for the cultivation of
971 marijuana, at least once every 2 years. The department may
972 conduct additional announced or unannounced inspections of a
973 permitted facility at reasonable hours in order to ensure
974 compliance with state law, rules, and standards set by the
975 department. The department or a law enforcement agency may test
976 any marijuana or medical marijuana product in order to ensure
977 that such marijuana or medical marijuana product meets the
978 safety and labeling standards established by the department. The
979 department may, by interagency agreement with the Department of
980 Business and Professional Regulation or the Department of
981 Agriculture and Consumer Services, perform joint inspections of
982 such facilities with these agencies.

983 (b) By October 3, 2017, the department shall adopt rules
984 governing the inspection of permitted facilities including
985 procedures for permitting and reasonable standards for the
986 operation of facilities used for cultivation, processing, or
987 dispensing marijuana and medical marijuana products.

988 (9) ACCESS TO PERMITTED FACILITIES.—The department shall
989 adopt rules governing access to permitted facilities and
990 delineating limited access areas, restricted access areas, and
991 general access areas at all licensed facilities. Access to
992 limited access areas must be limited to MMTC principals,
993 employees, and contractors who have been registered with the
994 department and have an MMTC employee identification card and to
995 visitors escorted by an individual who has such a card. Access
996 to restricted access areas must be limited to MMTC principals,
997 employees, and contractors who have been registered with the



593648

998 department and issued an MMTC employee identification card,
999 visitors escorted by an individual who has such a card, and
1000 qualifying patients and their caregivers. The department may
1001 adopt rules governing visitor access to limited access and
1002 restricted access areas, including, but not limited to, the
1003 number of visitors that may be escorted on the premises at any
1004 given time and the number of visitors that may be escorted by a
1005 single employee.

1006 (10) MMTC AND CONTRACTOR PERSONNEL REGISTRATION AND MMTC
1007 EMPLOYEE IDENTIFICATION CARDS.—

1008 (a) By October 3, 2017, the department shall adopt rules
1009 governing the registration of MMTC principals, employees, and
1010 contractors who participate in the operations of the MMTC. The
1011 department may charge a reasonable fee when issuing and upon
1012 annually renewing an MMTC employee identification card. Before
1013 hiring or contracting with any individual who is not registered
1014 with the department or who does not possess a current MMTC
1015 employee identification card, an MMTC must submit an application
1016 for the registration of that person as an MMTC employee to the
1017 department. The department shall adopt by rule a form for such
1018 applications which requires the applicant to at least provide
1019 all of the following:

1020 1. His or her full legal name, social security number, date
1021 of birth, and home address;

1022 2. A full color, passport-type photograph taken within the
1023 past 90 days;

1024 3. Proof that he or she has passed a level 2 background
1025 screening pursuant to chapter 435 within the previous year; and

1026 4. Whether the applicant will be authorized by the MMTC to



593648

1027 possess marijuana or medical marijuana products while not on
1028 MMTC property.

1029 (b) Once the department has received a completed
1030 application and fee from an MMTC, the department shall register
1031 the principal, employee, or contractor associated with the MMTC
1032 and issue him or her an MMTC employee identification card that,
1033 at a minimum, includes all of the following:

1034 1. The employee's name and the name of the MMTC that
1035 employs him or her;

1036 2. The employee's photograph, as required under paragraph
1037 (a);

1038 3. The expiration date of the card, which is 1 year after
1039 the date of its issuance; and

1040 4. Whether the employee is authorized by the MMTC to
1041 possess marijuana or medical marijuana products while not on
1042 MMTC property.

1043 (c) If any information provided to the department for the
1044 registration of an MMTC principal, employee, or contractor or in
1045 the application for an MMTC employee identification card changes
1046 or if the registered person's status with the MMTC changes, the
1047 registered person and the MMTC must update the department with
1048 the new information or status within 7 days after the change.

1049 (11) ADDITIONAL REQUIREMENTS.—

1050 (a) An MMTC is responsible for knowing and complying with
1051 all state laws and rules governing marijuana.

1052 (b) The premises of a permitted facility must comply with
1053 all security and surveillance requirements established by
1054 department rule before the licensee cultivates, sells,
1055 possesses, processes, tests, or dispenses any marijuana or



593648

1056 medical marijuana products at the licensed facility. All areas
1057 of ingress or egress to limited or restricted access areas of
1058 the permitted facility must be clearly identified as such by
1059 signage approved by the department.

1060 (c) A licensee must possess and maintain possession of the
1061 facility for which a permit is issued by ownership, lease,
1062 rental, or other arrangement.

1063 (d) A licensee must keep complete and current records for
1064 the current tax year and the 3 preceding tax years necessary to
1065 fully show the business transactions of the licensee, all of
1066 which must be open at all times during business hours for
1067 inspection and examination by the department and authorized
1068 representatives of the Department of Law Enforcement, as
1069 required by department rule.

1070 (e) A licensee must establish an inventory tracking system
1071 that is approved by the department in compliance with the
1072 required seed-to-sale tracking system.

1073 (f) All marijuana and medical marijuana products must meet
1074 the labeling and packaging requirements established by
1075 department rule.

1076 (12) VIOLATIONS, FINES, AND ADMINISTRATIVE PENALTIES.-

1077 (a) The department shall adopt by rule a schedule of
1078 violations in order to impose reasonable fines, not to exceed
1079 \$10,000 per violation, on an MMTC. In determining the amount of
1080 the fine to be levied for a violation, the department shall
1081 consider:

1082 1. The severity of the violation;

1083 2. Any action taken by the MMTC to correct the violation or
1084 to remedy complaints; and



593648

- 1085 3. Any previous violations.
- 1086 (b) The department may suspend, revoke, deny, or refuse to
1087 renew an MMTC's registration or function-specific license or
1088 impose an administrative penalty not to exceed \$10,000 per
1089 violation for:
- 1090 1. Violating this act or department rule;
- 1091 2. Failing to maintain qualifications for registration or
1092 licensure;
- 1093 3. Endangering the health, safety, or security of a
1094 qualifying patient or caregiver;
- 1095 4. Improperly disclosing personal and confidential
1096 information of a qualifying patient or caregiver;
- 1097 5. Attempting to procure a registration, license, or permit
1098 by bribery or fraudulent misrepresentation;
- 1099 6. Being convicted or found guilty of, or entering a plea
1100 of nolo contendere to, regardless of adjudication, a crime in
1101 any jurisdiction which directly relates to the business of an
1102 MMTC;
- 1103 7. Making or filing a report or record that the MMTC knows
1104 to be false;
- 1105 8. Willfully failing to maintain a record required by this
1106 section or rule of the department;
- 1107 9. Willfully impeding or obstructing an employee or agent
1108 of the department in the furtherance of his or her official
1109 duties;
- 1110 10. Engaging in fraud, deceit, negligence, incompetence, or
1111 misconduct in the business practices of an MMTC;
- 1112 11. Making misleading, deceptive, or fraudulent
1113 representations in or related to the business practices of an



593648

1114 MMTC; or

1115 12. Violating a lawful order of the department or an agency
1116 of the state or failing to comply with a lawfully issued
1117 subpoena of the department or an agency of the state.

1118 (13) MMTC LIST.—The department shall maintain on its
1119 website a publicly available, easily accessible list of the
1120 names and locations of all retail licensees operating under
1121 active retail facility function permits.

1122 (14) DISPENSING ORGANIZATION GRANDFATHERING.—As soon as
1123 practicable after the effective date of this act and not later
1124 than October 3, 2017, the department shall:

1125 (a) Register each dispensing organization that is in
1126 compliance with the requirements of, and that was approved
1127 pursuant to, chapter 2014-157, Laws of Florida, or chapter 2016-
1128 123, Laws of Florida, as an MMTC, effective retroactively to the
1129 date of the dispensing organization's approval as a dispensing
1130 organization;

1131 (b) Issue each such dispensing organization one cultivation
1132 license, one processing license, one retail license, and one
1133 transportation license; and

1134 (c) For each such dispensing organization facility in
1135 operation on or before July 1, 2017, issue the applicable permit
1136 for the function or functions performed at that facility to the
1137 dispensing organization.

1138 Section 8. Section 381.996, Florida Statutes, is created to
1139 read:

1140 381.996 Medical marijuana testing and labeling.—

1141 (1) To ensure accurate reporting of test results, the
1142 department shall adopt by rule a certification process and



593648

1143 testing standards for independent testing laboratories. The
1144 Department of Agriculture and Consumer Services shall provide
1145 resources to the department regarding the certification process
1146 and standards for laboratories that test similar agricultural
1147 products and their derivatives in this state. The standards must
1148 include, but need not be limited to, educational requirements
1149 for laboratory directors, proficiency testing for professional
1150 licensees employed by a laboratory, standard operating
1151 procedures, and quality control procedures for testing.

1152 (2) An MMTC may not distribute or sell marijuana or a
1153 medical marijuana product to a retail licensee unless the batch
1154 of origin of that marijuana or medical marijuana product has
1155 been tested by an independent testing laboratory and the selling
1156 MMTC has received test results from the independent testing
1157 laboratory which certify that the batch meets the quality
1158 standards established by the department. An independent testing
1159 laboratory is not required to be registered as an MMTC or to
1160 hold a transportation license under this act in order to
1161 transport or receive marijuana or medical marijuana products for
1162 testing purposes.

1163 (3) When testing a batch of origin of marijuana or medical
1164 marijuana product, an independent testing laboratory must, at a
1165 minimum, test for:

1166 (a) Potency, to ensure accurate labeling; and

1167 (b) Unsafe contaminants, including, but not limited to,
1168 dangerous microbial organisms, molds, pesticides, residual
1169 solvents, and other harmful chemicals and toxins.

1170 (4) Each independent testing laboratory shall report its
1171 findings for each batch tested to the MMTC from which the batch



593648

1172 originated and to the department. Such findings must include, at
1173 a minimum, the inspection certificate number or numbers of the
1174 cultivation facility or processing facility from which the batch
1175 originated, the size and batch number of the batch tested, the
1176 types of tests performed on the batch, and the results of each
1177 test. The department may require by rule the electronic
1178 submission of findings.

1179 (5) The department shall adopt by rule a comprehensive
1180 tracking and labeling system that allows a marijuana plant or
1181 medical marijuana product to be identified and tracked from
1182 cultivation to the final retail product. The department may
1183 adopt rules that establish qualifications for private entities
1184 to provide product tracking services to meet the requirements of
1185 this subsection and may establish a preferred vendor list based
1186 on those qualifications.

1187 (6) Before distribution or sale to a retail licensee, any
1188 marijuana or medical marijuana product that meets department
1189 testing standards must be packaged in a child-resistant
1190 container and labeled with at least the name and license number
1191 of the MMTC or MMTCs from which it originated; the inspection
1192 certificate number of the facility or facilities where the batch
1193 was harvested and processed; the harvest or production batch
1194 number; the concentration range of each individual cannabinoid
1195 present at testing; a warning statement and a universal, easily
1196 identifiable symbol indicating that the package contains
1197 marijuana for medical use; and any other information required
1198 under federal or state law, rule, or regulation for that form of
1199 product, including any additional information required for
1200 edible products, if applicable. For purposes of this subsection,



593648

1201 any oil-based extraction meant for direct consumption in small
1202 quantities as a supplement is not required to be labeled as a
1203 food product.

1204 (7) Before sale to a qualifying patient or caregiver, a
1205 retail licensee must affix an additional label to each medical
1206 marijuana product which includes the retail licensee's name and
1207 retail license number and the identification number on the
1208 medical marijuana patient registry identification card of the
1209 qualifying patient who is to receive the product.

1210 (8) By January 1, 2018, the department shall establish
1211 standards for quality, testing procedures, and maximum levels of
1212 unsafe contaminants. The department shall also create a list of
1213 individual cannabinoids for which marijuana and medical
1214 marijuana products must be tested which specifies for each
1215 cannabinoid the concentration considered significant and the
1216 varying ranges of concentrations upon which a physician may base
1217 his or her recommendation for a patient's use of a specific
1218 strain of marijuana.

1219 Section 9. Section 381.997, Florida Statutes, is created to
1220 read:

1221 381.997 Penalties.—

1222 (1) A qualifying patient or caregiver may not purchase,
1223 acquire, or possess any marijuana above the allowed amount of
1224 marijuana for the qualifying patient's medical use. A qualifying
1225 patient or caregiver who violates this subsection is subject to
1226 prosecution under chapter 893.

1227 (2) A physician may not certify marijuana or medical
1228 marijuana products for a patient without a reasonable belief
1229 that the patient is suffering from a debilitating medical



593648

1230 condition. A physician who violates this subsection commits a
1231 misdemeanor of the first degree, punishable as provided in s.
1232 775.082 or s. 775.083.

1233 (3) A person who fraudulently represents that he or she has
1234 a debilitating medical condition for the purpose of being
1235 certified to receive marijuana or medical marijuana products by
1236 a physician commits a misdemeanor of the first degree,
1237 punishable as provided in s. 775.082 or s. 775.083.

1238 (4) A person who knowingly and fraudulently uses or
1239 attempts to use a medical marijuana patient registry
1240 identification card that has expired, is counterfeit, or belongs
1241 to another person commits a misdemeanor of the first degree,
1242 punishable as provided in s. 775.082 or s. 775.083.

1243 (5) An employee or contractor of an MMTC may not possess,
1244 transport, or deliver any medical marijuana above the allowed
1245 amount specified in the transport or delivery order. An employee
1246 or contractor of an MMTC who violates this subsection commits a
1247 misdemeanor of the first degree, punishable as provided in s.
1248 775.082 or s. 775.083.

1249 Section 10. Section 381.998, Florida Statutes, is created
1250 to read:

1251 381.998 Insurance.—The Florida Medical Marijuana Act does
1252 not require a governmental, private, or other health insurance
1253 provider or health care services plan to cover a claim for
1254 reimbursement for the purchase of marijuana or medical marijuana
1255 products; however, the act does not restrict such coverage.

1256 Section 11. Section 381.9981, Florida Statutes, is created
1257 to read:

1258 381.9981 Rulemaking authority.—The department may adopt



593648

1259 rules to administer ss. 381.99-381.9981.

1260 Section 12. Section 385.211, Florida Statutes, is amended
1261 to read:

1262 385.211 Refractory and intractable epilepsy treatment and
1263 research at recognized medical centers.—

1264 (1) As used in this section, the term "marijuana" has the
1265 same meaning "low-THC cannabis" means "low-THC cannabis" as
1266 ~~defined in s. 381.991 but applies only to marijuana s. 381.986~~
1267 ~~that is dispensed by an MMTC only from a dispensing organization~~
1268 as defined in s. 381.991 ~~s. 381.986~~.

1269 (2) Notwithstanding chapter 893, medical centers recognized
1270 pursuant to s. 381.925, or an academic medical research
1271 institution legally affiliated with a licensed children's
1272 specialty hospital as defined in s. 395.002(28) which ~~that~~
1273 contracts with the Department of Health, may conduct research on
1274 cannabidiol and marijuana ~~low-THC cannabis~~. This research may
1275 include, but need not be ~~is not~~ limited to, the agricultural
1276 development, production, clinical research, and use of liquid
1277 medical derivatives of cannabidiol and marijuana ~~low-THC~~
1278 ~~cannabis~~ for the treatment for refractory or intractable
1279 epilepsy. The authority for recognized medical centers to
1280 conduct this research is derived from 21 C.F.R. parts 312 and
1281 316. Current state or privately obtained research funds may be
1282 used to support the activities described in this section.

1283 Section 13. Subsections (2) and (3) of section 499.0295,
1284 Florida Statutes, are amended to read:

1285 499.0295 Experimental treatments for terminal conditions.—

1286 (2) As used in this section, the term:

1287 ~~(a) "Dispensing organization" means an organization~~



593648

1288 ~~approved by the Department of Health under s. 381.986(5) to~~
1289 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1290 ~~medical cannabis, and cannabis delivery devices.~~

1291 ~~(a)~~ (a) "Eligible patient" means a person who:

1292 1. Has a terminal condition that is attested to by the
1293 patient's physician and confirmed by a second independent
1294 evaluation by a board-certified physician in an appropriate
1295 specialty for that condition;

1296 2. Has considered all other treatment options for the
1297 terminal condition currently approved by the United States Food
1298 and Drug Administration;

1299 3. Has given written informed consent for the use of an
1300 investigational drug, biological product, or device; and

1301 4. Has documentation from his or her treating physician
1302 that the patient meets the requirements of this paragraph.

1303 ~~(b)~~ (b) "Investigational drug, biological product, or
1304 device" means:

1305 ~~1.~~ a drug, biological product, or device that has
1306 successfully completed phase 1 of a clinical trial but has not
1307 been approved for general use by the United States Food and Drug
1308 Administration and remains under investigation in a clinical
1309 trial approved by the United States Food and Drug
1310 Administration; ~~or~~

1311 ~~2. Medical cannabis that is manufactured and sold by a~~
1312 ~~dispensing organization.~~

1313 ~~(c)~~ (c) "Terminal condition" means a progressive disease or
1314 medical or surgical condition that causes significant functional
1315 impairment, is not considered by a treating physician to be
1316 reversible even with the administration of available treatment



593648

1317 options currently approved by the United States Food and Drug
1318 Administration, and, without the administration of life-
1319 sustaining procedures, will result in death within 1 year after
1320 diagnosis if the condition runs its normal course.

1321 (d)~~(e)~~ "Written informed consent" means a document that is
1322 signed by a patient, a parent of a minor patient, a court-
1323 appointed guardian for a patient, or a health care surrogate
1324 designated by a patient and includes:

1325 1. An explanation of the currently approved products and
1326 treatments for the patient's terminal condition.

1327 2. An attestation that the patient concurs with his or her
1328 physician in believing that all currently approved products and
1329 treatments are unlikely to prolong the patient's life.

1330 3. Identification of the specific investigational drug,
1331 biological product, or device that the patient is seeking to
1332 use.

1333 4. A realistic description of the most likely outcomes of
1334 using the investigational drug, biological product, or device.
1335 The description shall include the possibility that new,
1336 unanticipated, different, or worse symptoms might result and
1337 death could be hastened by the proposed treatment. The
1338 description shall be based on the physician's knowledge of the
1339 proposed treatment for the patient's terminal condition.

1340 5. A statement that the patient's health plan or third-
1341 party administrator and physician are not obligated to pay for
1342 care or treatment consequent to the use of the investigational
1343 drug, biological product, or device unless required to do so by
1344 law or contract.

1345 6. A statement that the patient's eligibility for hospice



593648

1346 care may be withdrawn if the patient begins treatment with the
1347 investigational drug, biological product, or device and that
1348 hospice care may be reinstated if the treatment ends and the
1349 patient meets hospice eligibility requirements.

1350 7. A statement that the patient understands he or she is
1351 liable for all expenses consequent to the use of the
1352 investigational drug, biological product, or device and that
1353 liability extends to the patient's estate, unless a contract
1354 between the patient and the manufacturer of the investigational
1355 drug, biological product, or device states otherwise.

1356 (3) Upon the request of an eligible patient, a manufacturer
1357 may do any of the following, ~~or upon a physician's order~~
1358 ~~pursuant to s. 381.986, a dispensing organization may:~~

1359 (a) Make its investigational drug, biological product, or
1360 device available under this section.

1361 (b) Provide an investigational drug, biological product, or
1362 ~~device, or cannabis delivery device as defined in s. 381.986~~ to
1363 an eligible patient without receiving compensation.

1364 (c) Require an eligible patient to pay the costs of, or the
1365 costs associated with, the manufacture of the investigational
1366 drug, biological product, or device, ~~or cannabis delivery device~~
1367 ~~as defined in s. 381.986.~~

1368 Section 14. Subsection (3) of section 893.02, Florida
1369 Statutes, is amended to read:

1370 893.02 Definitions.—The following words and phrases as used
1371 in this chapter shall have the following meanings, unless the
1372 context otherwise requires:

1373 (3) "Cannabis" means all parts of any plant of the genus
1374 *Cannabis*, whether growing or not; the seeds thereof; the resin



593648

1375 extracted from any part of the plant; and every compound,
1376 manufacture, salt, derivative, mixture, or preparation of the
1377 plant or its seeds or resin. ~~The term does not include "low-THC~~
1378 ~~cannabis," as defined in s. 381.986, if manufactured, possessed,~~
1379 ~~sold, purchased, delivered, distributed, or dispensed, in~~
1380 ~~conformance with s. 381.986.~~

1381 Section 15. Section 1004.441, Florida Statutes, is amended
1382 to read:

1383 1004.441 ~~Refractory and intractable epilepsy treatment and~~
1384 Research on the use of marijuana to treat serious medical
1385 conditions and symptoms.-

1386 (1) As used in this section, the term "marijuana" has the
1387 same meaning ~~"low-THC cannabis" means "low-THC cannabis" as~~
1388 ~~defined in s. 381.991 but applies only to marijuana s. 381.986~~
1389 ~~that is dispensed by an MMTC only from a dispensing organization~~
1390 ~~as defined in s. 381.991 s. 381.986.~~

1391 (2) Notwithstanding chapter 893, state universities with
1392 both medical and agricultural research programs, including those
1393 that have satellite campuses or research agreements with other
1394 similar institutions, may conduct research on marijuana and
1395 cannabidiol ~~and low-THC cannabis~~. This research may include, but
1396 is not limited to, the agricultural development, production,
1397 clinical research, and use of ~~liquid~~ medical derivatives,
1398 medical marijuana products, and of cannabidiol and low-THC
1399 ~~cannabis~~ for the treatment of any debilitating medical condition
1400 as defined in s. 381.991 ~~for refractory or intractable epilepsy.~~
1401 The authority for state universities to conduct this research is
1402 derived from 21 C.F.R. parts 312 and 316. Current state or
1403 privately obtained research funds may be used to support the



593648

1404 activities authorized by this section.

1405 Section 16. The University of Florida, in consultation with
1406 a veterinary research organization, may conduct research to
1407 determine the benefits and contraindications of the use of low-
1408 THC cannabis and low-THC cannabis products for treatment of
1409 animals with seizure disorders or other life-limiting illnesses.
1410 State funds may not be used for such research.

1411 Section 17. If any provision of this act or its application
1412 to any person or circumstance is held invalid, the invalidity
1413 does not affect other provisions or applications of the act
1414 which can be given effect without the invalid provision or
1415 application, and to this end the provisions of this act are
1416 severable.

1417 Section 18. The Division of Law Revision and Information is
1418 directed to replace the phrase "the effective date of this act"
1419 wherever it occurs in this act with the date the act becomes a
1420 law.

1421 Section 19. This act shall take effect upon becoming a law.

1422
1423 ===== T I T L E A M E N D M E N T =====

1424 And the title is amended as follows:

1425 Delete everything before the enacting clause
1426 and insert:

1427 A bill to be entitled
1428 An act relating to medical marijuana; repealing s.
1429 381.986, F.S., relating to the compassionate use of
1430 low-THC and medical cannabis; creating s. 381.99,
1431 F.S.; providing a short title; creating s. 381.991,
1432 F.S.; defining terms; creating s. 381.992, F.S.;



593648

1433 authorizing a qualifying patient or his or her
1434 caregiver to purchase, acquire, and possess up to the
1435 allowed amount of marijuana, medical marijuana
1436 products, and associated paraphernalia for a
1437 qualifying patient's medical use; authorizing a
1438 medical marijuana treatment center (MMTC), including
1439 its employees and contractors, to perform certain
1440 activities; authorizing certified independent testing
1441 laboratories and their employees or contractors to
1442 receive and process marijuana for the sole purpose of
1443 testing the marijuana for compliance with the act;
1444 specifying that certain provisions do not exempt
1445 persons from the prohibition against driving under the
1446 influence; providing that specified provisions apply
1447 to the smoking of marijuana or medical marijuana
1448 products; authorizing the department to restrict the
1449 smoking of marijuana or such products at certain
1450 facilities; creating s. 381.993, F.S.; providing that
1451 a physician must certify, on a specified form, that a
1452 patient is suffering from a debilitating medical
1453 condition and that the benefits to the patient of
1454 using marijuana outweigh the potential health risks
1455 before a patient may register with the department and
1456 obtain a registry identification card; requiring the
1457 certification to specify the length of time
1458 recommended for the use of marijuana or a medical
1459 marijuana product; specifying that the allowable
1460 amount for any patient may not exceed a maximum
1461 determined by department rule; authorizing physicians



593648

1462 to submit the physician certification form
1463 electronically through the department's website or by
1464 mail; providing criteria for the certification of
1465 patients by physicians; requiring patients who wish to
1466 use marijuana or medical marijuana products to
1467 register with the department; providing requirements
1468 for registration; authorizing adult qualifying
1469 patients to authorize caregivers; requiring the
1470 consent of a parent or legal guardian for minor
1471 patients; providing requirements for caregivers;
1472 prohibiting caregivers from registering to assist more
1473 than one patient at any given time unless specified
1474 circumstances are met; requiring the department to
1475 designate the parent or legal guardian of a qualifying
1476 minor patient as the patient's caregiver; prohibiting
1477 qualifying minor patients from purchasing or acquiring
1478 marijuana and medical marijuana products; requiring
1479 the department to notify the qualifying patient that
1480 the caregiver's application for registration is
1481 disallowed; specifying the responsibilities of the
1482 department; requiring the department to create a
1483 patient and caregiver registration form and a
1484 physician certification form and make those forms
1485 available to the public by a specified date; requiring
1486 the registration form to allow the patient to include
1487 specified information; requiring the department to
1488 create and make available to the public a specified
1489 caregiver training course by a specified date;
1490 requiring the department to enter the information for



593648

1491 the qualifying patient or his or her caregiver into
1492 the medical marijuana patient registry and to issue a
1493 medical marijuana patient registry identification card
1494 to the patient and the caregiver after the receipt of
1495 specified documents; requiring that medical marijuana
1496 registry identification cards be resistant to
1497 counterfeiting and include specified information;
1498 providing that patient and caregiver registration and
1499 medical marijuana patient registry identification
1500 cards expire 1 year after the date of issuance;
1501 requiring a physician to certify specified information
1502 in order to renew a registration or medical marijuana
1503 patient registry identification card; requiring the
1504 written consent of a parent or legal guardian of a
1505 qualifying patient who is a minor for the continued
1506 consent of the minor's treatment with marijuana;
1507 providing for the disqualification of patients and
1508 caregivers; requiring the department to notify
1509 specified persons of a change in registration status
1510 in specified circumstances; requiring the department
1511 to give notice within a specified timeframe to the
1512 qualifying patient and the caregiver before removing
1513 the patient or caregiver from the medical marijuana
1514 patient registry; requiring the qualifying patient or
1515 caregiver to return specified items within a specified
1516 timeframe after receiving the notification; requiring
1517 a retail facility to notify the department upon the
1518 receipt of such items; authorizing the retail facility
1519 to notify the department electronically; requiring the



593648

1520 personal representative of a patient or a caregiver to
1521 return the identification card of the patient or
1522 caregiver to the retail facility after his or her
1523 death; requiring the retail facility to update the
1524 medical marijuana patient registry and notify the
1525 department after the return of the identification
1526 cards; authorizing the retail facility to notify the
1527 department electronically; requiring the department,
1528 on a quarterly basis, to compare all qualifying
1529 patients and caregivers in the medical marijuana
1530 patient registry with the records of deaths on file on
1531 the electronic death registration system and to adjust
1532 the file of the patient or caregiver accordingly
1533 within a certain timeframe; requiring the department
1534 to notify law enforcement of the expired or cancelled
1535 identification card in certain circumstances;
1536 authorizing the department to adopt rules to implement
1537 a process for MMTCs to accept and dispose of returned
1538 marijuana or medical marijuana products and registry
1539 identification cards; creating s. 381.994, F.S.;

1540 requiring that the department create a secure, online,
1541 electronic medical marijuana patient registry
1542 containing a file containing specified information for
1543 each qualifying patient, caregiver, and certifying
1544 physician; requiring that the medical marijuana
1545 patient registry meet specified criteria; creating s.
1546 381.995, F.S.; requiring the department to establish
1547 operating standards for the cultivation, processing,
1548 packaging, and labeling of marijuana and procedures



593648

1549 and requirements for the registration of MMTCs by a
1550 specified date; providing for the registration of
1551 MMTCs and certain of their principles, employees and
1552 contractors; requiring the department to charge
1553 registration fees that may not exceed specified
1554 amounts; requiring the department to develop a
1555 registration form for MMTCs which must require the
1556 applicant to provide specified information; requiring
1557 the department to begin registering MMTCs by a
1558 specified date; requiring MMTCs to provide specified
1559 documentation and to pay a performance and compliance
1560 bond in a specified amount, which is subject to
1561 forfeiture; prohibiting registration from taking place
1562 until all principals, employees, and contractors who
1563 will participate in the operations of the MMTC have
1564 registered with the department and have been issued
1565 identification cards; providing a 2-year registration
1566 period and requiring that renewals comply with a
1567 process established by department rule; requiring
1568 MMTCs to obtain certain licenses before engaging in
1569 certain activities; requiring the department to
1570 develop rules enforcing the use of a seed-to-sale
1571 tracking system; providing criteria; authorizing the
1572 department to charge application and license fees for
1573 cultivation licenses; specifying fees for specified
1574 licenses and facility permits; requiring the
1575 department to begin issuing cultivation and processing
1576 licenses by a specified date; authorizing MMTCs to
1577 apply for cultivation and processing licenses;



593648

1578 providing application requirements; providing for
1579 expiration and renewal of licenses; requiring
1580 licensees to obtain an operating permit from the
1581 department for each facility before beginning
1582 cultivation and processing; requiring the department
1583 to inspect facilities for which operating permits are
1584 sought; requiring the department to approve or
1585 disapprove applications within a specified timeframe;
1586 prohibiting facilities from certain operations if
1587 their permit has expired; requiring cultivation and
1588 processing facilities to be secure, closed to the
1589 public, and not within a specified proximity to
1590 specified schools, child care facilities, or specified
1591 licensed service providers; authorizing the department
1592 to establish rules providing additional security and
1593 zoning requirements; providing that licensees may use
1594 contractors to assist in the cultivation and
1595 processing of marijuana, but holding licensees
1596 responsible for their actions; requiring principals
1597 and employees of contractors who participate in the
1598 operations of the licensee to be registered with the
1599 department and to have MMTC employee identification
1600 cards; requiring cultivation and processing licensees
1601 to destroy certain marijuana byproducts within a
1602 specified timeframe; requiring MMTCs that transport or
1603 deliver marijuana outside of the property owned by the
1604 licensee to hold a transportation license; requiring
1605 the department to begin issuing retail licenses by a
1606 specified date; providing requirements for



593648

1607 application; providing for the expiration and renewal
1608 of licenses; requiring licensees to obtain an
1609 operating permit from the department for each
1610 dispensing facility before dispensing or storing
1611 marijuana or medical marijuana products; providing a
1612 permitting process; requiring the department to act on
1613 permit applications within a certain timeframe;
1614 requiring an MMTC that holds a retail license to have
1615 a separate operating permit for each retail facility
1616 it operates; prohibiting the department from granting
1617 an operating permit if a proposed retail facility is
1618 located on the same property as a cultivation or
1619 processing facility or if it is located proximate to
1620 specified schools or facilities; restricting the
1621 number of available retail licenses in a county based
1622 on population; authorizing a governing body of a
1623 county or municipality to refuse to allow a retail
1624 facility within its jurisdiction; prohibiting the
1625 department from licensing a retail facility in a
1626 county or municipality that has prohibited retail
1627 facilities by ordinance; authorizing a county or
1628 municipality to levy a local business tax on a retail
1629 facility; authorizing the department to employ a
1630 lottery system for the issuance of permits in certain
1631 circumstances; limiting the number of operating
1632 permits that may be issued to a single MMTC in those
1633 circumstances; providing for the expiration and
1634 renewal of operating permits; providing requirements
1635 for retail licensees and their employees in the



593648

1636 dispensing of marijuana to qualifying patients and
1637 their caregivers; prohibiting a retail facility from
1638 repackaging or modifying a medical marijuana product
1639 that has been packaged for retail sale by a
1640 cultivation or processing licensee; authorizing retail
1641 licensees to contract with certain MMTCs to transport
1642 marijuana and medical marijuana products between
1643 properties owned by the retail licensee and to make
1644 deliveries to and pick up returns from the residences
1645 of qualifying patients; prohibiting onsite consumption
1646 of marijuana or medical marijuana products at retail
1647 facilities; requiring the department to adopt rules
1648 governing the issuance of transportation licenses to
1649 MMTCs and the permitting of vehicles; authorizing
1650 MMTCs to apply for retail licenses and providing
1651 application requirements; prohibiting the
1652 transportation of marijuana or medical marijuana
1653 products on the property of an airport, seaport, or
1654 spaceport; authorizing a transportation licensee to
1655 transport marijuana or medical marijuana products in
1656 specified permitted vehicles; specifying the fee for
1657 vehicle permits; providing requirements for the
1658 designation of drivers and requiring that designations
1659 be displayed in a vehicle at all times; providing for
1660 expiration of the permit in certain circumstances;
1661 requiring the department to cancel a vehicle permit
1662 upon the request of specified persons; providing that
1663 the licensee authorizes the inspection and search of
1664 his or her vehicle by certain persons without a search



593648

1665 warrant for purposes of determining compliance with
1666 the act; authorizing certain MMTCs to deliver or
1667 contract for the delivery of marijuana and medical
1668 marijuana products to qualifying patients and their
1669 caregivers; providing requirements for and
1670 restrictions on such delivery; prohibiting a county or
1671 municipality from prohibiting deliveries; requiring
1672 the department to adopt rules governing the delivery
1673 of marijuana and medical marijuana products to
1674 qualifying patients and their caregivers; authorizing
1675 licensees to use contractors to assist with the
1676 transportation of marijuana or medical marijuana
1677 products; providing requirements for such
1678 transportation; requiring that principals and
1679 employees of contractors contracted by a licensee be
1680 registered with the department and issued an employee
1681 identification card; prohibiting MMTCs from
1682 advertising marijuana or medical marijuana products;
1683 defining the term "advertise"; providing that
1684 inspections of MMTC facilities are preempted to the
1685 state and may be conducted by the department;
1686 requiring the department to inspect and license
1687 specified facilities of MMTCs before those facilities
1688 begin operations; requiring the department to conduct
1689 such inspection at least once every 2 years;
1690 authorizing the department to conduct additional or
1691 unannounced inspections at reasonable hours;
1692 authorizing the department to test marijuana or
1693 medical marijuana products to ensure that they meet



593648

1694 the standards established by the department;
1695 authorizing the department, through an interagency
1696 agreement, to perform joint inspections of such
1697 facilities; requiring the department to adopt rules by
1698 a specified date governing access to licensed
1699 facilities which impose specified requirements on
1700 limited access areas, restricted access areas, and
1701 general access areas at all licensed facilities;
1702 authorizing the department to adopt rules governing
1703 visitor access; requiring the department to adopt
1704 rules governing the registration of MMTC principals,
1705 employees and contractors; authorizing the department
1706 to charge a reasonable fee for MMTC employee
1707 identification cards; requiring that MMTCs submit an
1708 application for the registration of a person they
1709 intend to hire or contract with in certain
1710 circumstances; requiring the department to adopt by
1711 rule a form for submitting an employee registration;
1712 specifying the information that must be provided by
1713 applicants; requiring the department to register
1714 certain persons and to issue them MMTC employee
1715 identification cards that meet certain requirements;
1716 requiring MMTCs to notify the department of any
1717 changes in status of such employees or contactors
1718 within a specified timeframe; providing that MMTCs are
1719 responsible for knowing and complying with specified
1720 laws and rules; requiring that the licensed premises
1721 comply with security and surveillance requirements
1722 established by the department by rule before the



593648

1723 licensee can undertake specified actions; requiring
1724 that specified areas of the licensed facility be
1725 clearly identified as such by signage approved by the
1726 department; requiring that a licensee possess and
1727 maintain possession of the premises for which the
1728 license is issued; requiring a licensee to keep a
1729 complete set of all records necessary to show fully
1730 the business transactions of the licensee for
1731 specified tax years; requiring a licensee to establish
1732 an inventory tracking system that is approved by the
1733 department; requiring that marijuana or medical
1734 marijuana products meet the labeling and packaging
1735 requirements established by department rule; requiring
1736 the department to adopt by rule a schedule of
1737 violations in order to impose fines not to exceed a
1738 specified amount per violation; requiring the
1739 department to consider specified factors in
1740 determining the amount of the fine to be levied;
1741 authorizing the department to suspend, revoke, deny,
1742 or refuse to renew a license of an MMTC or impose a
1743 specified administrative penalty for specified acts
1744 and omissions; requiring the department to maintain a
1745 publicly available, easily accessible list on its
1746 website of all permitted retail facilities; providing
1747 for the grandfathering of MMTCs that meet specified
1748 requirements by a specified date; requiring the
1749 department to issue specified licenses and permits;
1750 creating s. 381.996, F.S.; providing requirements for
1751 marijuana testing and labeling; requiring the



593648

1752 Department of Health to adopt by rule a certification
1753 process and testing standards for independent testing
1754 laboratories; requiring the Department of Agriculture
1755 and Consumer Services to provide resources to the
1756 department; prohibiting cultivation licensees and
1757 processing licensees from distributing or selling
1758 marijuana or medical marijuana products to retail
1759 licensees unless specified conditions are met;
1760 providing that independent laboratories are not
1761 required to be registered as MMTCs or to hold
1762 transportation licenses to transport or receive
1763 marijuana or medical marijuana products for testing
1764 purposes; requiring independent testing laboratories
1765 to conduct specified testing and to report specified
1766 findings to the department; requiring that such
1767 findings include specified information; requiring the
1768 department to establish by rule a comprehensive
1769 tracking and labeling system for marijuana plants and
1770 products; authorizing the department to adopt rules
1771 that establish qualifications for private entities
1772 that provide product tracking services and to
1773 establish a preferred vendor list; requiring that
1774 medical marijuana and medical marijuana products that
1775 meet testing standards be packaged in a specified
1776 manner; providing an exception; requiring a retail
1777 licensee to affix an additional label to each medical
1778 marijuana product which includes specified
1779 information; requiring the department to establish
1780 specified standards for quality, testing procedures,



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1781 and maximum levels of unsafe contaminants by a
1782 specified date; requiring the department to create a
1783 list of individual cannabinoids for which marijuana
1784 and medical marijuana products must be tested;
1785 creating s. 381.997, F.S.; providing penalties for
1786 specified violations; creating s. 381.998, F.S.;
1787 providing that this act does not require specified
1788 insurance providers or a health care services plan to
1789 cover a claim for reimbursement for the purchase of
1790 medical marijuana; providing that the act does not
1791 restrict such coverage; creating s. 381.9981, F.S.;
1792 authorizing the department to adopt rules to implement
1793 this act; amending ss. 385.211, 499.0295, 893.02, and
1794 1004.441, F.S.; conforming provisions to changes made
1795 by the act; authorizing the University of Florida, in
1796 consultation with a veterinary research organization,
1797 to conduct specified research for treatment of animals
1798 with seizure disorders or other life-limiting
1799 illnesses; prohibiting the use of state funds for such
1800 research; providing for severability; providing
1801 effective dates.