Representative Jenne offered the following:

Amendment

Remove lines 1445-1491 and insert:

(11) PREEMPTION.—

(a) Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of medical marijuana treatment centers located within its municipal boundaries, or ban such
dispensing facilities. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of medical marijuana treatment centers located within the unincorporated areas of that county, or ban such dispensing facilities. If a county or municipality passes an ordinance that limits the number of dispensing facilities they may not accept applications for those facilities until November 1, 2017.

(c) A municipality or county that does not ban medical marijuana treatment center dispensing facilities must permit at least two separately licensed medical marijuana treatment centers to locate dispensing facilities within that municipality or unincorporated areas of that county.

(d) A county or municipality may not enact ordinances for determining the location of dispensing facilities which are more restrictive than its ordinances determining the locations for pharmacies licensed under chapter 465; however, a county or municipality may enact minimum required distances between dispensing facilities.

(e) A medical marijuana treatment center dispensing facility may not be located within 500 feet of real property that compromises of a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding.
open to the public at which the county or municipality
determines that the location promotes the public health, safety,
general welfare of the community.

(f) A municipality or county may not charge a medical
marijuana treatment center a license or permit fee in an amount
greater than the fee charged by such municipality or county to
pharmacies licensed under chapter 465.

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

(h) A dispensing facility location approved by a
municipality or county pursuant to former s. 381.986(8)(b),
Florida Statutes 2016, is not subject to the requirements of
this section.