

By Senator Rouson

19-01232-18

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1 A bill to be entitled
2 An act relating to medical marijuana treatment center
3 licensure; amending s. 381.986, F.S.; deleting an
4 obsolete date; revising a requirement that the
5 Department of Health license one applicant who is a
6 member of a certain class to exclude a requirement
7 that the applicant also be a member of the Black
8 Farmers and Agriculturalist Association-Florida
9 Chapter; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraph (a) of subsection (8) of section
14 381.986, Florida Statutes, is amended to read:

15 381.986 Medical use of marijuana.—

16 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

17 (a) The department shall license medical marijuana
18 treatment centers to ensure reasonable statewide accessibility
19 and availability as necessary for qualified patients registered
20 in the medical marijuana use registry and who are issued a
21 physician certification under this section.

22 1. As soon as practicable, but no later than July 3, 2017,
23 the department shall license as a medical marijuana treatment
24 center any entity that holds an active, unrestricted license to
25 cultivate, process, transport, and dispense low-THC cannabis,
26 medical cannabis, and cannabis delivery devices, under former s.
27 381.986, Florida Statutes 2016, before July 1, 2017, and which
28 meets the requirements of this section. In addition to the
29 authority granted under this section, these entities are

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30 authorized to dispense low-THC cannabis, medical cannabis, and
31 cannabis delivery devices ordered pursuant to former s. 381.986,
32 Florida Statutes 2016, which were entered into the compassionate
33 use registry before July 1, 2017, and are authorized to begin
34 dispensing marijuana under this section on July 3, 2017. The
35 department may grant variances from the representations made in
36 such an entity's original application for approval under former
37 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

41 a. As soon as practicable, but no later than August 1,
42 2017, the department shall license any applicant whose
43 application was reviewed, evaluated, and scored by the
44 department and which was denied a dispensing organization
45 license by the department under former s. 381.986, Florida
46 Statutes 2014; which had one or more administrative or judicial
47 challenges pending as of January 1, 2017, or had a final ranking
48 within one point of the highest final ranking in its region
49 under former s. 381.986, Florida Statutes 2014; which meets the
50 requirements of this section; and which provides documentation
51 to the department that it has the existing infrastructure and
52 technical and technological ability to begin cultivating
53 marijuana within 30 days after registration as a medical
54 marijuana treatment center.

55 b. As soon as practicable, ~~but no later than October 3,~~
56 ~~2017,~~ the department shall license one applicant that is a
57 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
58 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1

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59 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
60 ~~Agriculturalists Association Florida Chapter.~~ An applicant
61 licensed under this sub-subparagraph is exempt from the
62 requirements of subparagraphs (b)1. and 2.

63 c. As soon as practicable, but no later than October 3,
64 2017, the department shall license applicants that meet the
65 requirements of this section in sufficient numbers to result in
66 10 total licenses issued under this subparagraph, while
67 accounting for the number of licenses issued under sub-
68 subparagraphs a. and b.

69 3. For up to two of the licenses issued under subparagraph
70 2., the department shall give preference to applicants that
71 demonstrate in their applications that they own one or more
72 facilities that are, or were, used for the canning,
73 concentrating, or otherwise processing of citrus fruit or citrus
74 molasses and will use or convert the facility or facilities for
75 the processing of marijuana.

76 4. Within 6 months after the registration of 100,000 active
77 qualified patients in the medical marijuana use registry, the
78 department shall license four additional medical marijuana
79 treatment centers that meet the requirements of this section.
80 Thereafter, the department shall license four medical marijuana
81 treatment centers within 6 months after the registration of each
82 additional 100,000 active qualified patients in the medical
83 marijuana use registry that meet the requirements of this
84 section.

85 5. Dispensing facilities are subject to the following
86 requirements:

87 a. A medical marijuana treatment center may not establish

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88 or operate more than a statewide maximum of 25 dispensing
89 facilities, unless the medical marijuana use registry reaches a
90 total of 100,000 active registered qualified patients. When the
91 medical marijuana use registry reaches 100,000 active registered
92 qualified patients, and then upon each further instance of the
93 total active registered qualified patients increasing by
94 100,000, the statewide maximum number of dispensing facilities
95 that each licensed medical marijuana treatment center may
96 establish and operate increases by five.

97 b. A medical marijuana treatment center may not establish
98 more than the maximum number of dispensing facilities allowed in
99 each of the Northwest, Northeast, Central, Southwest, and
100 Southeast Regions. The department shall determine a medical
101 marijuana treatment center's maximum number of dispensing
102 facilities allowed in each region by calculating the percentage
103 of the total statewide population contained within that region
104 and multiplying that percentage by the medical marijuana
105 treatment center's statewide maximum number of dispensing
106 facilities established under sub-subparagraph a., rounded to the
107 nearest whole number. The department shall ensure that such
108 rounding does not cause a medical marijuana treatment center's
109 total number of statewide dispensing facilities to exceed its
110 statewide maximum. The department shall initially calculate the
111 maximum number of dispensing facilities allowed in each region
112 for each medical marijuana treatment center using county
113 population estimates from the Florida Estimates of Population
114 2016, as published by the Office of Economic and Demographic
115 Research, and shall perform recalculations following the
116 official release of county population data resulting from each

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117 United States Decennial Census. For the purposes of this
118 subparagraph:

119 (I) The Northwest Region consists of Bay, Calhoun,
120 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
121 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
122 Walton, and Washington Counties.

123 (II) The Northeast Region consists of Alachua, Baker,
124 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
125 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
126 Suwannee, and Union Counties.

127 (III) The Central Region consists of Brevard, Citrus,
128 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
129 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
130 Counties.

131 (IV) The Southwest Region consists of Charlotte, Collier,
132 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
133 Okeechobee, and Sarasota Counties.

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

136 c. If a medical marijuana treatment center establishes a
137 number of dispensing facilities within a region that is less
138 than the number allowed for that region under sub-subparagraph
139 b., the medical marijuana treatment center may sell one or more
140 of its unused dispensing facility slots to other licensed
141 medical marijuana treatment centers. For each dispensing
142 facility slot that a medical marijuana treatment center sells,
143 that medical marijuana treatment center's statewide maximum
144 number of dispensing facilities, as determined under sub-
145 subparagraph a., is reduced by one. The statewide maximum number

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146 of dispensing facilities for a medical marijuana treatment
147 center that purchases an unused dispensing facility slot is
148 increased by one per slot purchased. Additionally, the sale of a
149 dispensing facility slot shall reduce the seller's regional
150 maximum and increase the purchaser's regional maximum number of
151 dispensing facilities, as determined in sub-subparagraph b., by
152 one for that region. For any slot purchased under this sub-
153 subparagraph, the regional restriction applied to that slot's
154 location under sub-subparagraph b. before the purchase shall
155 remain in effect following the purchase. A medical marijuana
156 treatment center that sells or purchases a dispensing facility
157 slot must notify the department within 3 days of sale.

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

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160 If this subparagraph or its application to any person or
161 circumstance is held invalid, the invalidity does not affect
162 other provisions or applications of this act which can be given
163 effect without the invalid provision or application, and to this
164 end, the provisions of this subparagraph are severable.

165 Section 2. This act shall take effect July 1, 2018.