

By the Committees on Appropriations; and Health Policy; and
Senators Rouson, Bradley, and Young

576-02686-18

20181134c2

1 A bill to be entitled
2 An act relating to Department of Health
3 responsibilities related to the medical use of
4 marijuana; amending s. 381.986, F.S.; requiring the
5 department to adopt rules to allow qualified patients
6 to change qualified physicians; deleting an obsolete
7 date; revising a requirement that the department
8 license one applicant who is a member of a certain
9 class to exclude a requirement that the applicant also
10 be a member of the Black Farmers and Agriculturalist
11 Association-Florida Chapter; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (h) of subsection (4) and paragraph
17 (a) of subsection (8) of section 381.986, Florida Statutes, are
18 amended to read:

19 381.986 Medical use of marijuana.—

20 (4) PHYSICIAN CERTIFICATION.—

21 (h) The department, the Board of Medicine, and the Board of
22 Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1)
23 and 120.54 to implement this subsection. Rules adopted pursuant
24 to this subsection must include a process by which a qualified
25 patient may change qualified physicians while retaining an
26 active registration on the medical marijuana use registry. This
27 process must include safeguards to ensure that any new physician
28 certification issued to the patient after he or she changes
29 physicians does not combine with any existing patient

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30 certification to allow the patient to possess more than the 70-
31 day supply limits.

32 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

33 (a) The department shall license medical marijuana
34 treatment centers to ensure reasonable statewide accessibility
35 and availability as necessary for qualified patients registered
36 in the medical marijuana use registry and who are issued a
37 physician certification under this section.

38 1. As soon as practicable, but no later than July 3, 2017,
39 the department shall license as a medical marijuana treatment
40 center any entity that holds an active, unrestricted license to
41 cultivate, process, transport, and dispense low-THC cannabis,
42 medical cannabis, and cannabis delivery devices, under former s.
43 381.986, Florida Statutes 2016, before July 1, 2017, and which
44 meets the requirements of this section. In addition to the
45 authority granted under this section, these entities are
46 authorized to dispense low-THC cannabis, medical cannabis, and
47 cannabis delivery devices ordered pursuant to former s. 381.986,
48 Florida Statutes 2016, which were entered into the compassionate
49 use registry before July 1, 2017, and are authorized to begin
50 dispensing marijuana under this section on July 3, 2017. The
51 department may grant variances from the representations made in
52 such an entity's original application for approval under former
53 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

57 a. As soon as practicable, but no later than August 1,
58 2017, the department shall license any applicant whose

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59 application was reviewed, evaluated, and scored by the
60 department and which was denied a dispensing organization
61 license by the department under former s. 381.986, Florida
62 Statutes 2014; which had one or more administrative or judicial
63 challenges pending as of January 1, 2017, or had a final ranking
64 within one point of the highest final ranking in its region
65 under former s. 381.986, Florida Statutes 2014; which meets the
66 requirements of this section; and which provides documentation
67 to the department that it has the existing infrastructure and
68 technical and technological ability to begin cultivating
69 marijuana within 30 days after registration as a medical
70 marijuana treatment center.

71 b. As soon as practicable, ~~but no later than October 3,~~
72 ~~2017,~~ the department shall license one applicant that is a
73 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
74 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
75 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
76 ~~Agriculturalists Association Florida Chapter.~~ An applicant
77 licensed under this sub-subparagraph is exempt from the
78 requirement of subparagraph (b)2 ~~requirements of subparagraphs~~
79 ~~(b)1. and 2.~~

80 c. As soon as practicable, but no later than October 3,
81 2017, the department shall license applicants that meet the
82 requirements of this section in sufficient numbers to result in
83 10 total licenses issued under this subparagraph, while
84 accounting for the number of licenses issued under sub-
85 subparagraphs a. and b.

86 3. For up to two of the licenses issued under subparagraph
87 2., the department shall give preference to applicants that

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88 demonstrate in their applications that they own one or more
89 facilities that are, or were, used for the canning,
90 concentrating, or otherwise processing of citrus fruit or citrus
91 molasses and will use or convert the facility or facilities for
92 the processing of marijuana.

93 4. Within 6 months after the registration of 100,000 active
94 qualified patients in the medical marijuana use registry, the
95 department shall license four additional medical marijuana
96 treatment centers that meet the requirements of this section.
97 Thereafter, the department shall license four medical marijuana
98 treatment centers within 6 months after the registration of each
99 additional 100,000 active qualified patients in the medical
100 marijuana use registry that meet the requirements of this
101 section.

102 5. Dispensing facilities are subject to the following
103 requirements:

104 a. A medical marijuana treatment center may not establish
105 or operate more than a statewide maximum of 25 dispensing
106 facilities, unless the medical marijuana use registry reaches a
107 total of 100,000 active registered qualified patients. When the
108 medical marijuana use registry reaches 100,000 active registered
109 qualified patients, and then upon each further instance of the
110 total active registered qualified patients increasing by
111 100,000, the statewide maximum number of dispensing facilities
112 that each licensed medical marijuana treatment center may
113 establish and operate increases by five.

114 b. A medical marijuana treatment center may not establish
115 more than the maximum number of dispensing facilities allowed in
116 each of the Northwest, Northeast, Central, Southwest, and

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117 Southeast Regions. The department shall determine a medical
118 marijuana treatment center's maximum number of dispensing
119 facilities allowed in each region by calculating the percentage
120 of the total statewide population contained within that region
121 and multiplying that percentage by the medical marijuana
122 treatment center's statewide maximum number of dispensing
123 facilities established under sub-subparagraph a., rounded to the
124 nearest whole number. The department shall ensure that such
125 rounding does not cause a medical marijuana treatment center's
126 total number of statewide dispensing facilities to exceed its
127 statewide maximum. The department shall initially calculate the
128 maximum number of dispensing facilities allowed in each region
129 for each medical marijuana treatment center using county
130 population estimates from the Florida Estimates of Population
131 2016, as published by the Office of Economic and Demographic
132 Research, and shall perform recalculations following the
133 official release of county population data resulting from each
134 United States Decennial Census. For the purposes of this
135 subparagraph:

136 (I) The Northwest Region consists of Bay, Calhoun,
137 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
138 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
139 Walton, and Washington Counties.

140 (II) The Northeast Region consists of Alachua, Baker,
141 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
142 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
143 Suwannee, and Union Counties.

144 (III) The Central Region consists of Brevard, Citrus,
145 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,

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146 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
147 Counties.

148 (IV) The Southwest Region consists of Charlotte, Collier,
149 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
150 Okeechobee, and Sarasota Counties.

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

153 c. If a medical marijuana treatment center establishes a
154 number of dispensing facilities within a region that is less
155 than the number allowed for that region under sub-subparagraph
156 b., the medical marijuana treatment center may sell one or more
157 of its unused dispensing facility slots to other licensed
158 medical marijuana treatment centers. For each dispensing
159 facility slot that a medical marijuana treatment center sells,
160 that medical marijuana treatment center's statewide maximum
161 number of dispensing facilities, as determined under sub-
162 subparagraph a., is reduced by one. The statewide maximum number
163 of dispensing facilities for a medical marijuana treatment
164 center that purchases an unused dispensing facility slot is
165 increased by one per slot purchased. Additionally, the sale of a
166 dispensing facility slot shall reduce the seller's regional
167 maximum and increase the purchaser's regional maximum number of
168 dispensing facilities, as determined in sub-subparagraph b., by
169 one for that region. For any slot purchased under this sub-
170 subparagraph, the regional restriction applied to that slot's
171 location under sub-subparagraph b. before the purchase shall
172 remain in effect following the purchase. A medical marijuana
173 treatment center that sells or purchases a dispensing facility
174 slot must notify the department within 3 days of sale.

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

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177 If this subparagraph or its application to any person or
178 circumstance is held invalid, the invalidity does not affect
179 other provisions or applications of this act which can be given
180 effect without the invalid provision or application, and to this
181 end, the provisions of this subparagraph are severable.

182 Section 2. This act shall take effect upon becoming a law.