

By Senator Thurston

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1 A bill to be entitled
2 An act relating to medical marijuana retail
3 facilities; amending s. 381.986, F.S.; revising
4 definitions of the terms "edibles," "low-THC
5 cannabis," "marijuana," and "marijuana delivery
6 device" to include items that are dispensed by a
7 medical marijuana retail facility; defining the term
8 "medical marijuana retail facility"; revising the
9 definition of the term "medical use" to include the
10 use of marijuana dispensed by a medical marijuana
11 retail facility; revising the definition of the term
12 "physician certification" to authorize a qualified
13 patient to receive marijuana and a marijuana delivery
14 device from a medical marijuana retail facility;
15 prohibiting qualified physicians and caregivers from
16 being employed by or having an economic interest in a
17 medical marijuana retail facility; requiring that the
18 medical marijuana use registry maintained by the
19 Department of Health be accessible to medical
20 marijuana retail facilities for certain verification
21 purposes; revising provisions to authorize medical
22 marijuana retail facilities to dispense marijuana,
23 marijuana delivery devices, and edibles under certain
24 conditions; providing that a medical marijuana retail
25 facility is not subject to certain dispensing facility
26 requirements; requiring that the computer seed-to-sale
27 marijuana tracking system that is maintained by the
28 department be used by medical marijuana retail
29 facilities; specifying that a medical marijuana

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30 treatment center may contract with no more than a
31 specified number of medical marijuana retail
32 facilities; prohibiting a medical marijuana treatment
33 center from owning or operating a medical marijuana
34 retail facility; requiring the department to license
35 medical marijuana retail facilities, beginning on a
36 specified date, for a specified purpose; requiring the
37 department to adopt rules related to the application
38 form and establishing a procedure for the issuance and
39 biennial renewal of licenses, including fees;
40 requiring that the department identify applicants with
41 strong diversity plans and implement training and
42 other educational programs to enable certain minority
43 persons and enterprises to qualify for licensure;
44 prohibiting an individual identified as an applicant,
45 owner, officer, board member, or manager from being
46 listed as such on more than one application for
47 licensure as a medical marijuana retail facility;
48 prohibiting an individual or entity from being awarded
49 more than one facility license; providing that each
50 such license is valid for only one physical location;
51 prohibiting a medical marijuana treatment center from
52 being awarded a license as a medical marijuana retail
53 facility; requiring that applicants demonstrate that
54 they satisfy certain criteria; prohibiting a medical
55 marijuana retail facility from making a wholesale
56 purchase of marijuana from a medical marijuana
57 treatment center and from transporting marijuana,
58 marijuana delivery devices, or edibles; specifying

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59 that a medical marijuana retail facility may only
60 contract with one medical marijuana treatment center;
61 providing requirements for the transfer of ownership
62 of a medical marijuana retail facility; prohibiting
63 medical marijuana retail facilities and any
64 individuals who control or have a certain ownership or
65 voting interest in such facilities from acquiring
66 certain direct or indirect ownership or control of
67 another medical marijuana retail facility; prohibiting
68 certain profit-sharing arrangements; providing
69 operational and dispensing requirements and
70 prohibitions for medical marijuana retail facilities;
71 prohibiting a medical marijuana retail facility from
72 engaging in Internet sales; prohibiting certain
73 medical marijuana retail facility advertising and
74 providing exceptions; requiring that certain
75 information be posted on a medical marijuana retail
76 facility website; authorizing the department to adopt
77 rules; requiring the department to establish
78 procedures for operation, conduct periodic
79 inspections, and restrict the location of such
80 facilities; authorizing counties and municipalities to
81 determine the location of such facilities by ordinance
82 under certain conditions; imposing criminal penalties
83 on persons or entities that engage in specified
84 unlicensed activities; providing that a medical
85 marijuana retail facility and its owners, managers,
86 and employees are exempt from prosecution for certain
87 offenses and from other specified regulation and

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88 requirements; amending s. 381.987, F.S.; requiring the
89 department to allow a medical marijuana retail
90 facility to access confidential and exempt information
91 in the medical marijuana use registry for certain
92 verification purposes; providing an effective date.
93

94 Be It Enacted by the Legislature of the State of Florida:
95

96 Section 1. Subsections (9) through (17) of section 381.986,
97 Florida Statutes, are redesignated as subsections (10) through
98 (18), respectively, subsections (1) and (3), paragraph (c) of
99 subsection (4), paragraphs (a) and (f) of subsection (5),
100 paragraph (b) of subsection (6), subsection (8), and present
101 subsections (10), (11), (12), and (14) are amended, and a new
102 subsection (9) is added to that section, to read:

103 381.986 Medical use of marijuana.—

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

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

109 (b) "Chronic nonmalignant pain" means pain that is caused
110 by a qualifying medical condition or that originates from a
111 qualifying medical condition and persists beyond the usual
112 course of that qualifying medical condition.

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

116 (d) "Edibles" means commercially produced food items made

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117 with marijuana oil, but no other form of marijuana, which ~~that~~
118 are produced and dispensed by a medical marijuana treatment
119 center or dispensed by a medical marijuana retail facility.

120 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
121 the dried flowers of which contain 0.8 percent or less of
122 tetrahydrocannabinol and more than 10 percent of cannabidiol
123 weight for weight; the seeds thereof; the resin extracted from
124 any part of such plant; or any compound, manufacture, salt,
125 derivative, mixture, or preparation of such plant or its seeds
126 or resin that is dispensed from a medical marijuana treatment
127 center or a medical marijuana retail facility.

128 (f) "Marijuana" means all parts of any plant of the genus
129 *Cannabis*, whether growing or not; the seeds thereof; the resin
130 extracted from any part of the plant; and every compound,
131 manufacture, salt, derivative, mixture, or preparation of the
132 plant or its seeds or resin, including low-THC cannabis, which
133 are dispensed from a medical marijuana treatment center or a
134 medical marijuana retail facility for medical use by a qualified
135 patient.

136 (g) "Marijuana delivery device" means an object used,
137 intended for use, or designed for use in preparing, storing,
138 ingesting, inhaling, or otherwise introducing marijuana into the
139 human body, and which is dispensed from a medical marijuana
140 treatment center or a medical marijuana retail facility for
141 medical use by a qualified patient.

142 (h) "Marijuana testing laboratory" means a facility that
143 collects and analyzes marijuana samples from a medical marijuana
144 treatment center and has been certified by the department
145 pursuant to s. 381.988.

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146 (i) "Medical director" means a person who holds an active,
147 unrestricted license as an allopathic physician under chapter
148 458 or osteopathic physician under chapter 459 and is in
149 compliance with the requirements of paragraph (3)(c).

150 (j) "Medical marijuana retail facility" means a facility
151 licensed by the department pursuant to subsection (9) to
152 dispense medical marijuana and marijuana delivery devices
153 acquired from a licensed medical marijuana treatment center to
154 qualified patients and caregivers.

155 ~~(k)-(j)~~ "Medical use" means the acquisition, possession,
156 use, delivery, transfer, or administration of marijuana
157 authorized by a physician certification. The term does not
158 include:

159 1. Possession, use, or administration of marijuana that was
160 not purchased or acquired from a medical marijuana treatment
161 center or a medical marijuana retail facility.

162 2. Possession, use, or administration of marijuana in a
163 form for smoking, in the form of commercially produced food
164 items other than edibles, or of marijuana seeds or flower,
165 except for flower in a sealed, tamper-proof receptacle for
166 vaping.

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

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

173 5. Use or administration of marijuana in the following
174 locations:

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175 a. On any form of public transportation, except for low-THC
176 cannabis.

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

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

180 d. In a state correctional institution, as defined in s.
181 944.02, or a correctional institution, as defined in s. 944.241.

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

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

186 (l)~~(k)~~ "Physician certification" means a qualified
187 physician's authorization for a qualified patient to receive
188 marijuana and a marijuana delivery device from a medical
189 marijuana treatment center or a medical marijuana retail
190 facility.

191 (m)~~(l)~~ "Qualified patient" means a resident of this state
192 who has been added to the medical marijuana use registry by a
193 qualified physician to receive marijuana or a marijuana delivery
194 device for a medical use and who has a qualified patient
195 identification card.

196 (n)~~(m)~~ "Qualified physician" means a person who holds an
197 active, unrestricted license as an allopathic physician under
198 chapter 458 or as an osteopathic physician under chapter 459 and
199 is in compliance with the physician education requirements of
200 subsection (3).

201 (o)~~(n)~~ "Smoking" means burning or igniting a substance and
202 inhaling the smoke.

203 (p)~~(o)~~ "Terminal condition" means a progressive disease or

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204 medical or surgical condition that causes significant functional
205 impairment, is not considered by a treating physician to be
206 reversible without the administration of life-sustaining
207 procedures, and will result in death within 1 year after
208 diagnosis if the condition runs its normal course.

209 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

210 (a) Before being approved as a qualified physician, as
211 defined in paragraph (1)(n) ~~paragraph (1)(m)~~, and before each
212 license renewal, a physician must successfully complete a 2-hour
213 course and subsequent examination offered by the Florida Medical
214 Association or the Florida Osteopathic Medical Association which
215 encompass the requirements of this section and any rules adopted
216 hereunder. The course and examination shall be administered at
217 least annually and may be offered in a distance learning format,
218 including an electronic, online format that is available upon
219 request. The price of the course may not exceed \$500. A
220 physician who has met the physician education requirements of
221 former s. 381.986(4), Florida Statutes 2016, before June 23,
222 2017, shall be deemed to be in compliance with this paragraph
223 from June 23, 2017, until 90 days after the course and
224 examination required by this paragraph become available.

225 (b) A qualified physician may not be employed by, or have
226 any direct or indirect economic interest in, a medical marijuana
227 treatment center, a medical marijuana retail facility, or a
228 marijuana testing laboratory.

229 (c) Before being employed as a medical director, as defined
230 in paragraph (1)(i), and before each license renewal, a medical
231 director must successfully complete a 2-hour course and
232 subsequent examination offered by the Florida Medical

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233 Association or the Florida Osteopathic Medical Association which
234 encompass the requirements of this section and any rules adopted
235 hereunder. The course and examination shall be administered at
236 least annually and may be offered in a distance learning format,
237 including an electronic, online format that is available upon
238 request. The price of the course may not exceed \$500.

239 (4) PHYSICIAN CERTIFICATION.—

240 (c) A qualified physician may not issue a physician
241 certification for more than three 70-day supply limits of
242 marijuana. The department shall quantify by rule a daily dose
243 amount with equivalent dose amounts for each allowable form of
244 marijuana dispensed by a medical marijuana treatment center or a
245 medical marijuana retail facility. The department shall use the
246 daily dose amount to calculate a 70-day supply.

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

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

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

254 c. A description of how the patient will benefit from an
255 increased amount.

256 d. The minimum daily dose amount of marijuana that would be
257 sufficient for the treatment of the qualified patient's
258 qualifying medical condition.

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

261 3. The department shall approve or disapprove the request

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262 within 14 days after receipt of the complete documentation
263 required by this paragraph. The request shall be deemed approved
264 if the department fails to act within this time period.

265 (5) MEDICAL MARIJUANA USE REGISTRY.—

266 (a) The department shall create and maintain a secure,
267 electronic, and online medical marijuana use registry for
268 physicians, patients, and caregivers as provided under this
269 section. The medical marijuana use registry must be accessible
270 to law enforcement agencies, qualified physicians, medical
271 marijuana retail facilities, and medical marijuana treatment
272 centers to verify the authorization of a qualified patient or a
273 caregiver to possess marijuana or a marijuana delivery device
274 and record the marijuana or marijuana delivery device dispensed.
275 The medical marijuana use registry must also be accessible to
276 practitioners licensed to prescribe prescription drugs to ensure
277 proper care for patients before medications that may interact
278 with the medical use of marijuana are prescribed. The medical
279 marijuana use registry must prevent an active registration of a
280 qualified patient by multiple physicians.

281 (f) The department may revoke the registration of a
282 qualified patient or caregiver who cultivates marijuana or who
283 acquires, possesses, or delivers marijuana from any person or
284 entity other than a medical marijuana treatment center or a
285 medical marijuana retail facility.

286 (6) CAREGIVERS.—

287 (b) A caregiver must:

288 1. Not be a qualified physician and not be employed by or
289 have an economic interest in a medical marijuana treatment
290 center, a medical marijuana retail facility, or a marijuana

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291 testing laboratory.

292 2. Be 21 years of age or older and a resident of this
293 state.

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

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

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

303 6. Pass a background screening pursuant to subsection (10)
304 ~~(9)~~, unless the patient is a close relative of the caregiver.

305 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

306 (a) The department shall license medical marijuana
307 treatment centers to ensure reasonable statewide accessibility
308 and availability as necessary for qualified patients registered
309 in the medical marijuana use registry and who are issued a
310 physician certification under this section.

311 1. As soon as practicable, but no later than July 3, 2017,
312 the department shall license as a medical marijuana treatment
313 center any entity that holds an active, unrestricted license to
314 cultivate, process, transport, and dispense low-THC cannabis,
315 medical cannabis, and cannabis delivery devices, under former s.
316 381.986, Florida Statutes 2016, before July 1, 2017, and which
317 meets the requirements of this section. In addition to the
318 authority granted under this section, these entities are
319 authorized to dispense low-THC cannabis, medical cannabis, and

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320 cannabis delivery devices ordered pursuant to former s. 381.986,
321 Florida Statutes 2016, which were entered into the compassionate
322 use registry before July 1, 2017, and are authorized to begin
323 dispensing marijuana under this section on July 3, 2017. The
324 department may grant variances from the representations made in
325 such an entity's original application for approval under former
326 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

330 a. As soon as practicable, but no later than August 1,
331 2017, the department shall license any applicant whose
332 application was reviewed, evaluated, and scored by the
333 department and which was denied a dispensing organization
334 license by the department under former s. 381.986, Florida
335 Statutes 2014; which had one or more administrative or judicial
336 challenges pending as of January 1, 2017, or had a final ranking
337 within one point of the highest final ranking in its region
338 under former s. 381.986, Florida Statutes 2014; which meets the
339 requirements of this section; and which provides documentation
340 to the department that it has the existing infrastructure and
341 technical and technological ability to begin cultivating
342 marijuana within 30 days after registration as a medical
343 marijuana treatment center.

344 b. As soon as practicable, but no later than October 3,
345 2017, the department shall license one applicant that is a
346 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
347 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
348 (D.D.C. 2011) and is a member of the Black Farmers and

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349 Agriculturalists Association-Florida Chapter. An applicant
350 licensed under this sub-subparagraph is exempt from the
351 requirements of subparagraphs (b)1. and 2.

352 c. As soon as practicable, but no later than October 3,
353 2017, the department shall license applicants that meet the
354 requirements of this section in sufficient numbers to result in
355 10 total licenses issued under this subparagraph, while
356 accounting for the number of licenses issued under sub-
357 subparagraphs a. and b.

358 3. For up to two of the licenses issued under subparagraph
359 2., the department shall give preference to applicants that
360 demonstrate in their applications that they own one or more
361 facilities that are, or were, used for the canning,
362 concentrating, or otherwise processing of citrus fruit or citrus
363 molasses and will use or convert the facility or facilities for
364 the processing of marijuana.

365 4. Within 6 months after the registration of 100,000 active
366 qualified patients in the medical marijuana use registry, the
367 department shall license four additional medical marijuana
368 treatment centers that meet the requirements of this section.
369 Thereafter, the department shall license four medical marijuana
370 treatment centers within 6 months after the registration of each
371 additional 100,000 active qualified patients in the medical
372 marijuana use registry that meet the requirements of this
373 section.

374 5. Dispensing facilities are subject to the following
375 requirements:

376 a. A medical marijuana treatment center may not establish
377 or operate more than a statewide maximum of 25 dispensing

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378 facilities, unless the medical marijuana use registry reaches a
379 total of 100,000 active registered qualified patients. When the
380 medical marijuana use registry reaches 100,000 active registered
381 qualified patients, and then upon each further instance of the
382 total active registered qualified patients increasing by
383 100,000, the statewide maximum number of dispensing facilities
384 that each licensed medical marijuana treatment center may
385 establish and operate increases by five.

386 b. A medical marijuana treatment center may not establish
387 more than the maximum number of dispensing facilities allowed in
388 each of the Northwest, Northeast, Central, Southwest, and
389 Southeast Regions. The department shall determine a medical
390 marijuana treatment center's maximum number of dispensing
391 facilities allowed in each region by calculating the percentage
392 of the total statewide population contained within that region
393 and multiplying that percentage by the medical marijuana
394 treatment center's statewide maximum number of dispensing
395 facilities established under sub-subparagraph a., rounded to the
396 nearest whole number. The department shall ensure that such
397 rounding does not cause a medical marijuana treatment center's
398 total number of statewide dispensing facilities to exceed its
399 statewide maximum. The department shall initially calculate the
400 maximum number of dispensing facilities allowed in each region
401 for each medical marijuana treatment center using county
402 population estimates from the Florida Estimates of Population
403 2016, as published by the Office of Economic and Demographic
404 Research, and shall perform recalculations following the
405 official release of county population data resulting from each
406 United States Decennial Census. For the purposes of this

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407 subparagraph:

408 (I) The Northwest Region consists of Bay, Calhoun,
409 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
410 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
411 Walton, and Washington Counties.

412 (II) The Northeast Region consists of Alachua, Baker,
413 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
414 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
415 Suwannee, and Union Counties.

416 (III) The Central Region consists of Brevard, Citrus,
417 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
418 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
419 Counties.

420 (IV) The Southwest Region consists of Charlotte, Collier,
421 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
422 Okeechobee, and Sarasota Counties.

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

425 c. If a medical marijuana treatment center establishes a
426 number of dispensing facilities within a region that is less
427 than the number allowed for that region under sub-subparagraph
428 b., the medical marijuana treatment center may sell one or more
429 of its unused dispensing facility slots to other licensed
430 medical marijuana treatment centers. For each dispensing
431 facility slot that a medical marijuana treatment center sells,
432 that medical marijuana treatment center's statewide maximum
433 number of dispensing facilities, as determined under sub-
434 subparagraph a., is reduced by one. The statewide maximum number
435 of dispensing facilities for a medical marijuana treatment

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436 center that purchases an unused dispensing facility slot is
437 increased by one per slot purchased. Additionally, the sale of a
438 dispensing facility slot shall reduce the seller's regional
439 maximum and increase the purchaser's regional maximum number of
440 dispensing facilities, as determined in sub-subparagraph b., by
441 one for that region. For any slot purchased under this sub-
442 subparagraph, the regional restriction applied to that slot's
443 location under sub-subparagraph b. before the purchase shall
444 remain in effect following the purchase. A medical marijuana
445 treatment center that sells or purchases a dispensing facility
446 slot must notify the department within 3 days of sale.

447 d. A medical marijuana retail facility is not subject to
448 the dispensing facility requirements of this subparagraph.

449 e.d. This subparagraph shall expire on April 1, 2020.

450
451 If this subparagraph or its application to any person or
452 circumstance is held invalid, the invalidity does not affect
453 other provisions or applications of this act which can be given
454 effect without the invalid provision or application, and to this
455 end, the provisions of this subparagraph are severable.

456 (b) An applicant for licensure as a medical marijuana
457 treatment center shall apply to the department on a form
458 prescribed by the department and adopted in rule. The department
459 shall adopt rules pursuant to ss. 120.536(1) and 120.54
460 establishing a procedure for the issuance and biennial renewal
461 of licenses, including initial application and biennial renewal
462 fees sufficient to cover the costs of implementing and
463 administering this section, and establishing supplemental
464 licensure fees for payment beginning May 1, 2018, sufficient to

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465 cover the costs of administering ss. 381.989 and 1004.4351. The
466 department shall identify applicants with strong diversity plans
467 reflecting this state's commitment to diversity and implement
468 training programs and other educational programs to enable
469 minority persons and minority business enterprises, as defined
470 in s. 288.703, and veteran business enterprises, as defined in
471 s. 295.187, to compete for medical marijuana treatment center
472 licensure and contracts. Subject to the requirements in
473 subparagraphs (a)2.-4., the department shall issue a license to
474 an applicant if the applicant meets the requirements of this
475 section and pays the initial application fee. The department
476 shall renew the licensure of a medical marijuana treatment
477 center biennially if the licensee meets the requirements of this
478 section and pays the biennial renewal fee. An individual may not
479 be an applicant, owner, officer, board member, or manager on
480 more than one application for licensure as a medical marijuana
481 treatment center. An individual or entity may not be awarded
482 more than one license as a medical marijuana treatment center.
483 An applicant for licensure as a medical marijuana treatment
484 center must demonstrate:

485 1. That, for the 5 consecutive years before submitting the
486 application, the applicant has been registered to do business in
487 the state.

488 2. Possession of a valid certificate of registration issued
489 by the Department of Agriculture and Consumer Services pursuant
490 to s. 581.131.

491 3. The technical and technological ability to cultivate and
492 produce marijuana, including, but not limited to, low-THC
493 cannabis.

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494 4. The ability to secure the premises, resources, and
495 personnel necessary to operate as a medical marijuana treatment
496 center.

497 5. The ability to maintain accountability of all raw
498 materials, finished products, and any byproducts to prevent
499 diversion or unlawful access to or possession of these
500 substances.

501 6. An infrastructure reasonably located to dispense
502 marijuana to registered qualified patients statewide or
503 regionally as determined by the department.

504 7. The financial ability to maintain operations for the
505 duration of the 2-year approval cycle, including the provision
506 of certified financial statements to the department.

507 a. Upon approval, the applicant must post a \$5 million
508 performance bond issued by an authorized surety insurance
509 company rated in one of the three highest rating categories by a
510 nationally recognized rating service. However, a medical
511 marijuana treatment center serving at least 1,000 qualified
512 patients is only required to maintain a \$2 million performance
513 bond.

514 b. In lieu of the performance bond required under sub-
515 subparagraph a., the applicant may provide an irrevocable letter
516 of credit payable to the department or provide cash to the
517 department. If provided with cash under this sub-subparagraph,
518 the department shall deposit the cash in the Grants and
519 Donations Trust Fund within the Department of Health, subject to
520 the same conditions as the bond regarding requirements for the
521 applicant to forfeit ownership of the funds. If the funds
522 deposited under this sub-subparagraph generate interest, the

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523 amount of that interest shall be used by the department for the
524 administration of this section.

525 8. That all owners, officers, board members, and managers
526 have passed a background screening pursuant to subsection (10)
527 ~~(9)~~.

528 9. The employment of a medical director to supervise the
529 activities of the medical marijuana treatment center.

530 10. A diversity plan that promotes and ensures the
531 involvement of minority persons and minority business
532 enterprises, as defined in s. 288.703, or veteran business
533 enterprises, as defined in s. 295.187, in ownership, management,
534 and employment. An applicant for licensure renewal must show the
535 effectiveness of the diversity plan by including the following
536 with his or her application for renewal:

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

539 b. Efforts to recruit minority persons and veterans for
540 employment; and

541 c. A record of contracts for services with minority
542 business enterprises and veteran business enterprises.

543 (c) A medical marijuana treatment center may not make a
544 wholesale purchase of marijuana from, or a distribution of
545 marijuana to, another medical marijuana treatment center, unless
546 the medical marijuana treatment center seeking to make a
547 wholesale purchase of marijuana submits proof of harvest failure
548 to the department.

549 (d) The department shall establish, maintain, and control a
550 computer software tracking system that traces marijuana from
551 seed to sale and allows real-time, 24-hour access by the

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552 department to data from all medical marijuana treatment centers,
553 medical marijuana retail facilities, and marijuana testing
554 laboratories. The tracking system must allow for integration of
555 other seed-to-sale systems and, at a minimum, include
556 notification of when marijuana seeds are planted, when marijuana
557 plants are harvested and destroyed, and when marijuana is
558 transported, sold, stolen, diverted, or lost. Each medical
559 marijuana treatment center and medical marijuana retail facility
560 shall use the seed-to-sale tracking system established by the
561 department or integrate its own seed-to-sale tracking system
562 with the seed-to-sale tracking system established by the
563 department. Each medical marijuana treatment center may use its
564 own seed-to-sale system until the department establishes a seed-
565 to-sale tracking system. The department may contract with a
566 vendor to establish the seed-to-sale tracking system. The vendor
567 selected by the department may not have a contractual
568 relationship with the department to perform any services
569 pursuant to this section other than the seed-to-sale tracking
570 system. The vendor may not have a direct or indirect financial
571 interest in a medical marijuana treatment center, a medical
572 marijuana retail facility, or a marijuana testing laboratory.

573 (e) A licensed medical marijuana treatment center may ~~shall~~
574 cultivate, process, transport, and dispense marijuana for
575 medical use. A licensed medical marijuana treatment center may
576 not contract for services directly related to the cultivation
577 and, ~~processing, and dispensing~~ of marijuana or marijuana
578 delivery devices. ~~, except that~~ A medical marijuana treatment
579 center licensed pursuant to subparagraph (a)1. may contract with
580 no more than 10 licensed medical marijuana retail facilities to

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581 ~~dispense a single entity for the cultivation, processing,~~
582 ~~transporting, and dispensing of marijuana,~~ and marijuana
583 delivery devices, and edibles pursuant to subsection (9). A
584 licensed medical marijuana treatment center must, at all times,
585 maintain compliance with the criteria demonstrated and
586 representations made in the initial application and the criteria
587 established in this subsection. Upon request, the department may
588 grant a medical marijuana treatment center a variance from the
589 representations made in the initial application. Consideration
590 of such a request shall be based upon the individual facts and
591 circumstances surrounding the request. A variance may not be
592 granted unless the requesting medical marijuana treatment center
593 can demonstrate to the department that it has a proposed
594 alternative to the specific representation made in its
595 application which fulfills the same or a similar purpose as the
596 specific representation in a way that the department can
597 reasonably determine will not be a lower standard than the
598 specific representation in the application. A variance may not
599 be granted from the requirements in subparagraph 2. and
600 subparagraphs (b)1. and 2.

601 1. A licensed medical marijuana treatment center may
602 transfer ownership to an individual or entity who meets the
603 requirements of this section. A publicly traded corporation or
604 publicly traded company that meets the requirements of this
605 section is not precluded from ownership of a medical marijuana
606 treatment center. To accommodate a change in ownership:

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

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

614 c. Upon receipt of an application for a license, the
615 department shall examine the application and, within 30 days
616 after receipt, notify the applicant in writing of any apparent
617 errors or omissions and request any additional information
618 required.

619 d. Requested information omitted from an application for
620 licensure must be filed with the department within 21 days after
621 the department's request for omitted information or the
622 application shall be deemed incomplete and shall be withdrawn
623 from further consideration and the fees shall be forfeited.

624
625 Within 30 days after the receipt of a complete application, the
626 department shall approve or deny the application.

627 2. A medical marijuana treatment center, and any individual
628 or entity who directly or indirectly owns, controls, or holds
629 with power to vote 5 percent or more of the voting shares of a
630 medical marijuana treatment center, may not acquire direct or
631 indirect ownership or control of any voting shares or other form
632 of ownership of any other medical marijuana treatment center. A
633 medical marijuana treatment center may not directly or
634 indirectly own or operate a medical marijuana retail facility.

635 3. A medical marijuana treatment center may not enter into
636 any form of profit-sharing arrangement with the property owner
637 or lessor of any of its facilities where cultivation,
638 processing, storing, or dispensing of marijuana and marijuana

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639 delivery devices occurs.

640 4. All employees of a medical marijuana treatment center
641 must be 21 years of age or older and have passed a background
642 screening pursuant to subsection (10) ~~(9)~~.

643 5. Each medical marijuana treatment center must adopt and
644 enforce policies and procedures to ensure employees and
645 volunteers receive training on the legal requirements to
646 dispense marijuana to qualified patients.

647 6. When growing marijuana, a medical marijuana treatment
648 center:

649 a. May use pesticides determined by the department, after
650 consultation with the Department of Agriculture and Consumer
651 Services, to be safely applied to plants intended for human
652 consumption, but may not use pesticides designated as
653 restricted-use pesticides pursuant to s. 487.042.

654 b. Must grow marijuana within an enclosed structure and in
655 a room separate from any other plant.

656 c. Must inspect seeds and growing plants for plant pests
657 that endanger or threaten the horticultural and agricultural
658 interests of the state in accordance with chapter 581 and any
659 rules adopted thereunder.

660 d. Must perform fumigation or treatment of plants, or
661 remove and destroy infested or infected plants, in accordance
662 with chapter 581 and any rules adopted thereunder.

663 7. Each medical marijuana treatment center must produce and
664 make available for purchase at least one low-THC cannabis
665 product.

666 8. A medical marijuana treatment center that produces
667 edibles must hold a permit to operate as a food establishment

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668 pursuant to chapter 500, the Florida Food Safety Act, and must
669 comply with all the requirements for food establishments
670 pursuant to chapter 500 and any rules adopted thereunder.
671 Edibles may not contain more than 200 milligrams of
672 tetrahydrocannabinol, and a single serving portion of an edible
673 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
674 may have a potency variance of no greater than 15 percent.
675 Edibles may not be attractive to children; be manufactured in
676 the shape of humans, cartoons, or animals; be manufactured in a
677 form that bears any reasonable resemblance to products available
678 for consumption as commercially available candy; or contain any
679 color additives. To discourage consumption of edibles by
680 children, the department shall determine by rule any shapes,
681 forms, and ingredients allowed and prohibited for edibles.
682 Medical marijuana treatment centers may not begin processing or
683 dispensing edibles until after the effective date of the rule.
684 The department shall also adopt sanitation rules providing the
685 standards and requirements for the storage, display, or
686 dispensing of edibles.

687 9. Within 12 months after licensure, a medical marijuana
688 treatment center must demonstrate to the department that all of
689 its processing facilities have passed a Food Safety Good
690 Manufacturing Practices, such as Global Food Safety Initiative
691 or equivalent, inspection by a nationally accredited certifying
692 body. A medical marijuana treatment center must immediately stop
693 processing at any facility which fails to pass this inspection
694 until it demonstrates to the department that such facility has
695 met this requirement.

696 10. When processing marijuana, a medical marijuana

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697 treatment center must:

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

700 b. Comply with department rules when processing marijuana
701 with hydrocarbon solvents or other solvents or gases exhibiting
702 potential toxicity to humans. The department shall determine by
703 rule the requirements for medical marijuana treatment centers to
704 use such solvents or gases exhibiting potential toxicity to
705 humans.

706 c. Comply with federal and state laws and regulations and
707 department rules for solid and liquid wastes. The department
708 shall determine by rule procedures for the storage, handling,
709 transportation, management, and disposal of solid and liquid
710 waste generated during marijuana production and processing. The
711 Department of Environmental Protection shall assist the
712 department in developing such rules.

713 d. Test the processed marijuana using a medical marijuana
714 testing laboratory before it is dispensed. Results must be
715 verified and signed by two medical marijuana treatment center
716 employees. Before dispensing, the medical marijuana treatment
717 center must determine that the test results indicate that low-
718 THC cannabis meets the definition of low-THC cannabis, the
719 concentration of tetrahydrocannabinol meets the potency
720 requirements of this section, the labeling of the concentration
721 of tetrahydrocannabinol and cannabidiol is accurate, and all
722 marijuana is safe for human consumption and free from
723 contaminants that are unsafe for human consumption. The
724 department shall determine by rule which contaminants must be
725 tested for and the maximum levels of each contaminant which are

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726 safe for human consumption. The Department of Agriculture and
727 Consumer Services shall assist the department in developing the
728 testing requirements for contaminants that are unsafe for human
729 consumption in edibles. The department shall also determine by
730 rule the procedures for the treatment of marijuana that fails to
731 meet the testing requirements of this section, s. 381.988, or
732 department rule. The department may select a random sample from
733 edibles available for purchase in a dispensing facility which
734 shall be tested by the department to determine that the edible
735 meets the potency requirements of this section, is safe for
736 human consumption, and the labeling of the tetrahydrocannabinol
737 and cannabidiol concentration is accurate. A medical marijuana
738 treatment center may not require payment from the department for
739 the sample. A medical marijuana treatment center must recall
740 edibles, including all edibles made from the same batch of
741 marijuana, which fail to meet the potency requirements of this
742 section, which are unsafe for human consumption, or for which
743 the labeling of the tetrahydrocannabinol and cannabidiol
744 concentration is inaccurate. The medical marijuana treatment
745 center must retain records of all testing and samples of each
746 homogenous batch of marijuana for at least 9 months. The medical
747 marijuana treatment center must contract with a marijuana
748 testing laboratory to perform audits on the medical marijuana
749 treatment center's standard operating procedures, testing
750 records, and samples and provide the results to the department
751 to confirm that the marijuana or low-THC cannabis meets the
752 requirements of this section and that the marijuana or low-THC
753 cannabis is safe for human consumption. A medical marijuana
754 treatment center shall reserve two processed samples from each

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755 batch and retain such samples for at least 9 months for the
756 purpose of such audits. A medical marijuana treatment center may
757 use a laboratory that has not been certified by the department
758 under s. 381.988 until such time as at least one laboratory
759 holds the required certification, but in no event later than
760 July 1, 2018.

761 e. Package the marijuana in compliance with the United
762 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
763 1471 et seq.

764 f. Package the marijuana in a receptacle that has a firmly
765 affixed and legible label stating the following information:

766 (I) The marijuana or low-THC cannabis meets the
767 requirements of sub-subparagraph d.

768 (II) The name of the medical marijuana treatment center
769 from which the marijuana originates.

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

772 (IV) The name of the physician who issued the physician
773 certification.

774 (V) The name of the patient.

775 (VI) The product name, if applicable, and dosage form,
776 including concentration of tetrahydrocannabinol and cannabidiol.

777 The product name may not contain wording commonly associated
778 with products marketed by or to children.

779 (VII) The recommended dose.

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

782 (IX) A marijuana universal symbol developed by the
783 department.

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784 11. The medical marijuana treatment center shall include in
785 each package a patient package insert with information on the
786 specific product dispensed related to:

- 787 a. Clinical pharmacology.
788 b. Indications and use.
789 c. Dosage and administration.
790 d. Dosage forms and strengths.
791 e. Contraindications.
792 f. Warnings and precautions.
793 g. Adverse reactions.

794 12. Each edible shall be individually sealed in plain,
795 opaque wrapping marked only with the marijuana universal symbol.
796 Where practical, each edible shall be marked with the marijuana
797 universal symbol. In addition to the packaging and labeling
798 requirements in subparagraphs 10. and 11., edible receptacles
799 must be plain, opaque, and white without depictions of the
800 product or images other than the medical marijuana treatment
801 center's department-approved logo and the marijuana universal
802 symbol. The receptacle must also include a list all of the
803 edible's ingredients, storage instructions, an expiration date,
804 a legible and prominent warning to keep away from children and
805 pets, and a warning that the edible has not been produced or
806 inspected pursuant to federal food safety laws.

807 13. When dispensing marijuana or a marijuana delivery
808 device, a medical marijuana treatment center:

- 809 a. May dispense any active, valid order for low-THC
810 cannabis, medical cannabis, and cannabis delivery devices issued
811 pursuant to former s. 381.986, Florida Statutes 2016, which was
812 entered into the medical marijuana use registry before July 1,

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813 2017.

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

816 c. Must have the medical marijuana treatment center's
817 employee who dispenses the marijuana or a marijuana delivery
818 device enter into the medical marijuana use registry his or her
819 name or unique employee identifier.

820 d. Must verify that the qualified patient and the
821 caregiver, if applicable, each have an active registration in
822 the medical marijuana use registry and an active and valid
823 medical marijuana use registry identification card, the amount
824 and type of marijuana dispensed matches the physician
825 certification in the medical marijuana use registry for that
826 qualified patient, and the physician certification has not
827 already been filled.

828 e. May not dispense marijuana to a qualified patient who is
829 younger than 18 years of age. If the qualified patient is
830 younger than 18 years of age, marijuana may only be dispensed to
831 the qualified patient's caregiver.

832 f. May not dispense or sell any other type of cannabis,
833 alcohol, or illicit drug-related product, including pipes,
834 bongs, or rolling ~~wrapping~~ papers, other than a marijuana
835 delivery device required for the medical use of marijuana and
836 which is specified in a physician certification.

837 g. Must, upon dispensing the marijuana or marijuana
838 delivery device, record in the registry the date, time,
839 quantity, and form of marijuana dispensed; the type of marijuana
840 delivery device dispensed; and the name and medical marijuana
841 use registry identification number of the qualified patient or

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842 caregiver to whom the marijuana delivery device was dispensed.

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

846 (f) To ensure the safety and security of premises where the
847 cultivation, processing, storing, or dispensing of marijuana
848 occurs, and to maintain adequate controls against the diversion,
849 theft, and loss of marijuana or marijuana delivery devices, a
850 medical marijuana treatment center shall:

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

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

857 (I) Cameras are fixed in a place that allows for the clear
858 identification of persons and activities in controlled areas of
859 the premises. Controlled areas include grow rooms, processing
860 rooms, storage rooms, disposal rooms or areas, and point-of-sale
861 rooms.

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

865 (III) Recorded images must clearly and accurately display
866 the time and date.

867 (IV) ~~Retain~~ Video surveillance recordings are retained for
868 at least 45 days or longer upon the request of a law enforcement
869 agency.

870 2. Ensure that the medical marijuana treatment center's

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871 outdoor premises have sufficient lighting from dusk until dawn.

872 3. Ensure that the indoor premises where dispensing occurs
873 includes a waiting area with sufficient space and seating to
874 accommodate qualified patients and caregivers and at least one
875 private consultation area that is isolated from the waiting area
876 and area where dispensing occurs. A medical marijuana treatment
877 center may not display products or dispense marijuana or
878 marijuana delivery devices in the waiting area.

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

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

884 6. Require at least two of its employees, or two employees
885 of a security agency with whom it contracts, to be on the
886 premises at all times where cultivation, processing, or storing
887 of marijuana occurs.

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

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

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

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

896 (g) To ensure the safe transport of marijuana and marijuana
897 delivery devices to medical marijuana treatment centers,
898 marijuana testing laboratories, or qualified patients, a medical
899 marijuana treatment center must:

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- 900 1. Maintain a marijuana transportation manifest in any
901 vehicle transporting marijuana. The marijuana transportation
902 manifest must be generated from a medical marijuana treatment
903 center's seed-to-sale tracking system and include the:
- 904 a. Departure date and approximate time of departure.
 - 905 b. Name, location address, and license number of the
906 originating medical marijuana treatment center.
 - 907 c. Name and address of the recipient of the delivery.
 - 908 d. Quantity and form of any marijuana or marijuana delivery
909 device being transported.
 - 910 e. Arrival date and estimated time of arrival.
 - 911 f. Delivery vehicle make and model and license plate
912 number.
 - 913 g. Name and signature of the medical marijuana treatment
914 center employees delivering the product.
- 915 (I) A copy of the marijuana transportation manifest must be
916 provided to each individual, medical marijuana treatment center,
917 or marijuana testing laboratory that receives a delivery. The
918 individual, or a representative of the center or laboratory,
919 must sign a copy of the marijuana transportation manifest
920 acknowledging receipt.
- 921 (II) An individual transporting marijuana or a marijuana
922 delivery device must present a copy of the relevant marijuana
923 transportation manifest and his or her employee identification
924 card to a law enforcement officer upon request.
- 925 (III) Medical marijuana treatment centers and marijuana
926 testing laboratories must retain copies of all marijuana
927 transportation manifests for at least 3 years.
- 928 2. Ensure only vehicles in good working order are used to

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929 transport marijuana.

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

932 4. Require employees to have possession of their employee
933 identification card at all times when transporting marijuana or
934 marijuana delivery devices.

935 5. Require at least two persons to be in a vehicle
936 transporting marijuana or marijuana delivery devices, and
937 require at least one person to remain in the vehicle while the
938 marijuana or marijuana delivery device is being delivered.

939 6. Provide specific safety and security training to
940 employees transporting or delivering marijuana and marijuana
941 delivery devices.

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

945 1. The dispensing location of a medical marijuana treatment
946 center may have a sign that is affixed to the outside or hanging
947 in the window of the premises which identifies the dispensary by
948 the licensee's business name, a department-approved trade name,
949 or a department-approved logo. A medical marijuana treatment
950 center's trade name and logo may not contain wording or images
951 commonly associated with marketing targeted toward children or
952 which promote recreational use of marijuana.

953 2. A medical marijuana treatment center may engage in
954 Internet advertising and marketing under the following
955 conditions:

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

957 b. An advertisement may not have any content that

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958 specifically targets individuals under the age of 18, including
959 cartoon characters or similar images.

960 c. An advertisement may not be an unsolicited pop-up
961 advertisement.

962 d. Opt-in marketing must include an easy and permanent opt-
963 out feature.

964 (i) Each medical marijuana treatment center that dispenses
965 marijuana and marijuana delivery devices shall make available to
966 the public on its website:

967 1. Each marijuana and low-THC product available for
968 purchase, including the form, strain of marijuana from which it
969 was extracted, cannabidiol content, tetrahydrocannabinol
970 content, dose unit, total number of doses available, and the
971 ratio of cannabidiol to tetrahydrocannabinol for each product.

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

975 3. The price for each marijuana delivery device available
976 for purchase.

977 4. If applicable, any discount policies and eligibility
978 criteria for such discounts.

979 ~~(j) Medical marijuana treatment centers are the sole source~~
980 ~~from which~~ A qualified patient may legally obtain marijuana only
981 from a medical marijuana treatment center or a medical marijuana
982 retail facility.

983 (k) The department may adopt rules pursuant to ss.
984 120.536(1) and 120.54 to implement this subsection.

985 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department
986 shall license medical marijuana retail facilities to ensure

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987 reasonable statewide accessibility and availability as necessary
988 for qualified patients registered in the medical marijuana use
989 registry and who are issued a physician certification under this
990 section. The department shall begin issuing medical marijuana
991 retail facility licenses by August 1, 2018.

992 (a) An applicant for licensure as a medical marijuana
993 retail facility shall apply to the department on a form
994 prescribed by the department and adopted in rule. The department
995 shall adopt rules pursuant to ss. 120.536(1) and 120.54
996 establishing a procedure for the issuance and biennial renewal
997 of licenses, including initial application and biennial renewal
998 fees sufficient to cover the costs of implementing and
999 administering this subsection. The department shall identify
1000 applicants with strong diversity plans reflecting this state's
1001 commitment to diversity and implement training programs and
1002 other educational programs to enable minority persons and
1003 minority business enterprises, as defined in s. 288.703, and
1004 veteran business enterprises, as defined in s. 295.187, to
1005 qualify for medical marijuana retail facility licensure and
1006 contracts. The department shall issue a license to an applicant
1007 if the applicant meets the requirements of this subsection and
1008 pays the initial application fee. The department shall renew the
1009 licensure of a medical marijuana retail facility biennially if
1010 the licensee meets the requirements of this subsection and pays
1011 the biennial renewal fee. An individual may not be an applicant,
1012 owner, officer, board member, or manager on more than one
1013 application for licensure as a medical marijuana retail
1014 facility. An individual or entity may not be awarded more than
1015 one license as a medical marijuana retail facility. Each medical

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1016 marijuana retail facility license is valid for one physical
1017 location. A medical marijuana treatment center may not be
1018 awarded a license to operate a medical marijuana retail
1019 facility.

1020 (b) An applicant for licensure as a medical marijuana
1021 retail facility must demonstrate:

1022 1. The ability to secure the premises, resources, and
1023 personnel necessary to operate as a medical marijuana retail
1024 facility.

1025 2. The ability to maintain accountability for all raw
1026 materials, all finished products, and any byproducts to prevent
1027 diversion or unlawful access to or possession of these
1028 substances.

1029 3. An infrastructure reasonably located to dispense
1030 marijuana to registered qualified patients statewide or
1031 regionally, as determined by the department.

1032 4. The financial ability to maintain operations for the
1033 duration of the 2-year approval cycle, including the provision
1034 of certified financial statements to the department.

1035 5. That all owners, officers, board members, and managers
1036 have passed a background screening pursuant to subsection (10).

1037 6. The employment of a medical director to supervise the
1038 activities of the medical marijuana retail facility.

1039 7. A diversity plan that promotes and ensures the
1040 involvement of minority persons and minority business
1041 enterprises, as defined in s. 288.703, or veteran business
1042 enterprises, as defined in s. 295.187, in ownership, management,
1043 and employment. An applicant for licensure renewal must show the
1044 effectiveness of the diversity plan by including the following

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1045 with his or her application for renewal:

1046 a. Representation of minority persons and veterans in the
1047 medical marijuana retail facility's workforce;

1048 b. Efforts to recruit minority persons and veterans for
1049 employment; and

1050 c. A record of contracts for services with minority
1051 business enterprises and veteran business enterprises.

1052 8. Proof of liability insurance coverage of at least
1053 \$250,000 for each facility that dispenses or stores marijuana or
1054 medical marijuana delivery devices.

1055 (c) A medical marijuana retail facility may not make a
1056 wholesale purchase of marijuana from a medical marijuana
1057 treatment center.

1058 (d) A medical marijuana retail facility may not transport
1059 marijuana, marijuana delivery devices, or edibles.

1060 (e) A medical marijuana retail facility may only contract
1061 with one medical marijuana treatment center to dispense
1062 marijuana, marijuana delivery devices, or edibles to a qualified
1063 patient or caregiver.

1064 (f)1. A medical marijuana retail facility may transfer
1065 ownership to an individual or entity who meets the requirements
1066 of this section. A publicly traded corporation or publicly
1067 traded company that meets the requirements of this section is
1068 not precluded from ownership of a medical marijuana retail
1069 facility. To accommodate a change in ownership:

1070 a. The medical marijuana retail facility shall notify the
1071 department in writing at least 60 days before the anticipated
1072 date of the change of ownership.

1073 b. The individual or entity applying for initial licensure

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1074 due to a change of ownership must submit an application that
1075 must be received by the department at least 60 days before the
1076 date of change of ownership.

1077 c. Upon receipt of an application for a license, the
1078 department shall examine the application and, within 30 days
1079 after receipt, notify the applicant in writing of any apparent
1080 errors or omissions and request any additional information
1081 required.

1082 d. Requested information omitted from an application for
1083 licensure must be filed with the department within 21 days after
1084 the department's request for omitted information or the
1085 application shall be deemed incomplete and must be withdrawn
1086 from further consideration, and the fees shall be forfeited.

1087
1088 Within 30 days after the receipt of a complete application, the
1089 department shall approve or deny the application.

1090 2. A medical marijuana retail facility, and any individual
1091 or entity who directly or indirectly owns, controls, or holds
1092 with power to vote 5 percent or more of the voting shares of a
1093 medical marijuana retail facility, may not acquire direct or
1094 indirect ownership or control of any voting shares or other form
1095 of ownership of any other medical marijuana retail facility.

1096 3. A medical marijuana retail facility may not enter into
1097 any form of profit-sharing arrangement with the property owner
1098 or lessor of any of its facilities where storing or dispensing
1099 of marijuana and marijuana delivery devices occurs.

1100 4. All employees of a medical marijuana retail facility
1101 must be 21 years of age or older and have passed a background
1102 screening pursuant to subsection (10).

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1103 5. Each medical marijuana retail facility must adopt and
1104 enforce policies and procedures to ensure employees and
1105 volunteers receive training on the legal requirements to
1106 dispense marijuana to qualified patients.

1107 6. Each medical marijuana retail facility must make
1108 available for purchase at least one low-THC cannabis product.

1109 7. A medical marijuana retail facility may not repackage or
1110 modify marijuana or a medical marijuana delivery device packaged
1111 for retail sale by a contracted medical marijuana treatment
1112 center.

1113 8. A medical marijuana retail facility may not process or
1114 produce edibles, but may dispense edibles in the original
1115 packaging and with the original labeling affixed as received
1116 from a contracted medical marijuana treatment center to a
1117 qualified patient or caregiver. Onsite consumption of marijuana
1118 or edibles at a medical marijuana retail facility is prohibited.
1119 The department may select a random sample from edibles available
1120 for purchase in a medical marijuana retail facility which must
1121 be tested by the department to determine whether the edible
1122 meets the potency requirements of subparagraph (8)(e)8. and is
1123 safe for human consumption, and whether the labeling of the
1124 tetrahydrocannabinol and cannabidiol concentration is accurate.
1125 A medical marijuana retail facility may not require payment from
1126 the department for the sample. A medical marijuana retail
1127 facility must recall edibles, including all edibles made from
1128 the same batch of marijuana, which fail to meet the potency
1129 requirements, which are unsafe for human consumption, or for
1130 which the labeling of the tetrahydrocannabinol and cannabidiol
1131 concentration is inaccurate.

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1132 9. When dispensing marijuana or a marijuana delivery
1133 device, a medical marijuana retail facility:

1134 a. May dispense any active, valid order for low-THC
1135 cannabis, medical cannabis, and cannabis delivery devices issued
1136 pursuant to former s. 381.986, Florida Statutes 2016, which was
1137 entered into the medical marijuana use registry before July 1,
1138 2017.

1139 b. May not dispense more than a 70-day supply of marijuana
1140 to a qualified patient or caregiver.

1141 c. Must require that its employee who dispenses the
1142 marijuana or a marijuana delivery device enter into the medical
1143 marijuana use registry his or her name or unique employee
1144 identifier.

1145 d. Must verify that the qualified patient and the
1146 caregiver, if applicable, each have an active registration in
1147 the medical marijuana use registry and an active and valid
1148 medical marijuana use registry identification card, that the
1149 amount and type of marijuana dispensed matches the physician
1150 certification in the medical marijuana use registry for that
1151 qualified patient, and that the physician certification has not
1152 already been filled.

1153 e. May not dispense marijuana to a qualified patient who is
1154 younger than 18 years of age. If the qualified patient is
1155 younger than 18 years of age, marijuana may only be dispensed to
1156 the qualified patient's caregiver.

1157 f. May not dispense or sell any other type of cannabis,
1158 alcohol, or illicit drug-related product, including pipes,
1159 bongs, or rolling papers, other than a marijuana delivery device
1160 required for the medical use of marijuana which is specified in

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1161 a physician certification.

1162 g. Must, upon dispensing the marijuana or marijuana
1163 delivery device, record in the registry the date, time,
1164 quantity, and form of marijuana dispensed; the type of marijuana
1165 delivery device dispensed; and the name and medical marijuana
1166 use registry identification number of the qualified patient or
1167 caregiver to whom the marijuana or marijuana delivery device was
1168 dispensed.

1169 h. Must ensure that patient records are not visible to
1170 anyone other than the qualified patient, his or her caregiver,
1171 and authorized medical marijuana retail facility employees.

1172 (g) To ensure the safety and security of premises where the
1173 storing or dispensing of marijuana occurs, and to maintain
1174 adequate controls against the diversion, theft, and loss of
1175 marijuana or marijuana delivery devices, a medical marijuana
1176 retail facility shall:

1177 1.a. Maintain a fully operational security alarm system
1178 that secures all entry points and perimeter windows and is
1179 equipped with motion detectors; pressure switches; and duress,
1180 panic, and hold-up alarms; and

1181 b. Maintain a video surveillance system that records
1182 continuously, 24 hours a day, and meets the following criteria:

1183 (I) Cameras are fixed in a place that allows for the clear
1184 identification of persons and activities in controlled areas of
1185 the premises. Controlled areas include grow rooms, processing
1186 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1187 rooms.

1188 (II) Cameras are fixed in entrances and exits to the
1189 premises and record from indoor and outdoor, or ingress and

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1190 egress, vantage points.

1191 (III) Recorded images clearly and accurately display the
1192 time and date.

1193 (IV) Video surveillance recordings are retained for at
1194 least 45 days or longer upon the request of a law enforcement
1195 agency.

1196 2. Ensure that the outdoor premises have sufficient
1197 lighting from dusk until dawn.

1198 3. Ensure that the indoor premises where dispensing occurs
1199 includes a waiting area with sufficient space and seating to
1200 accommodate qualified patients and caregivers and at least one
1201 private consultation area that is isolated from the waiting area
1202 and the area where dispensing occurs. A medical marijuana retail
1203 facility may not display products or dispense marijuana or
1204 marijuana delivery devices in the waiting area.

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

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

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

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

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

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

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1219 10. Report to local law enforcement within 24 hours after
1220 being notified or becoming aware of the theft, diversion, or
1221 loss of marijuana.

1222 (h) A medical marijuana retail facility may not engage in
1223 Internet sales.

1224 (i) A medical marijuana retail facility may not engage in
1225 advertising that is visible to members of the public from any
1226 street, sidewalk, park, or other public place, except:

1227 1. A medical marijuana retail facility may have a sign that
1228 is affixed to the outside or hanging in the window of the
1229 premises which identifies the facility by the licensee's
1230 business name, a department-approved trade name, or a
1231 department-approved logo. A medical marijuana retail facility's
1232 trade name and logo may not contain wording or images commonly
1233 associated with marketing targeted toward children or which
1234 promote recreational use of marijuana.

1235 2. A medical marijuana retail facility may engage in
1236 Internet advertising and marketing under the following
1237 conditions:

1238 a. All advertisements must be approved by the department.

1239 b. An advertisement may not have any content that
1240 specifically targets individuals under the age of 18, including
1241 cartoon characters or similar images.

1242 c. An advertisement may not be an unsolicited pop-up
1243 advertisement.

1244 d. Opt-in marketing must include an easy and permanent opt-
1245 out feature.

1246 (j) Each medical marijuana retail facility that dispenses
1247 marijuana, marijuana delivery devices, or edibles shall make

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1248 available to the public on its website:

1249 1. Information on each marijuana and low-THC product
1250 available for purchase, including the form, strain of marijuana
1251 from which it was extracted, cannabidiol content,
1252 tetrahydrocannabinol content, dose unit, and total number of
1253 doses available, and the ratio of cannabidiol to
1254 tetrahydrocannabinol for each such product.

1255 2. The price of a 30-day, 50-day, and 70-day supply at a
1256 standard dose for each marijuana and low-THC product available
1257 for purchase.

1258 3. The price for each marijuana delivery device available
1259 for purchase.

1260 4. If applicable, any discount policies and eligibility
1261 criteria for such discounts.

1262 (k) A qualified patient may legally obtain medical
1263 marijuana only from a medical marijuana treatment center or a
1264 medical marijuana retail facility.

1265 (l) The department may adopt rules pursuant to ss.
1266 120.536(1) and 120.54 to implement this subsection.

1267 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL
1268 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1269 (a) The department shall conduct announced or unannounced
1270 inspections of medical marijuana treatment centers and medical
1271 marijuana retail facilities to determine compliance with this
1272 section or rules adopted pursuant to this section.

1273 (b) The department shall inspect a medical marijuana
1274 treatment center upon receiving a complaint or notice that the
1275 medical marijuana treatment center has dispensed marijuana
1276 containing mold, bacteria, or other contaminant that may cause

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1277 or has caused an adverse effect to human health or the
1278 environment.

1279 (c) The department shall conduct at least a biennial
1280 inspection of each medical marijuana treatment center and
1281 medical marijuana retail facility to evaluate the medical
1282 marijuana treatment center's and medical marijuana retail
1283 facility's records, personnel, equipment, processes, security
1284 measures, sanitation practices, and quality assurance practices.

1285 (d) The Department of Agriculture and Consumer Services and
1286 the department shall enter into an interagency agreement to
1287 ensure cooperation and coordination in the performance of their
1288 obligations under this section and their respective regulatory
1289 and authorizing laws. The department, the Department of Highway
1290 Safety and Motor Vehicles, and the Department of Law Enforcement
1291 may enter into interagency agreements for the purposes specified
1292 in this subsection or subsection (7).

1293 (e) The department shall publish a list of all approved
1294 medical marijuana treatment centers, medical directors, medical
1295 marijuana retail facilities, and qualified physicians on its
1296 website.

1297 (f) The department may impose reasonable fines not to
1298 exceed \$10,000 on a medical marijuana treatment center or a
1299 medical marijuana retail facility for any of the following
1300 violations:

- 1301 1. Violating this section or department rule.
- 1302 2. Failing to maintain qualifications for approval.
- 1303 3. Endangering the health, safety, or security of a
1304 qualified patient.
- 1305 4. Improperly disclosing personal and confidential

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1306 information of the qualified patient.

1307 5. Attempting to procure medical marijuana treatment center
1308 or medical marijuana retail facility approval by bribery,
1309 fraudulent misrepresentation, or extortion.

1310 6. Being convicted or found guilty of, or entering a plea
1311 of guilty or nolo contendere to, regardless of adjudication, a
1312 crime in any jurisdiction which directly relates to the business
1313 of a medical marijuana treatment center or a medical marijuana
1314 retail facility.

1315 7. Making or filing a report or record that the medical
1316 marijuana treatment center or medical marijuana retail facility
1317 knows to be false.

1318 8. Willfully failing to maintain a record required by this
1319 section or department rule.

1320 9. Willfully impeding or obstructing an employee or agent
1321 of the department in the furtherance of his or her official
1322 duties.

1323 10. Engaging in fraud or deceit, negligence, incompetence,
1324 or misconduct in the business practices of a medical marijuana
1325 treatment center or a medical marijuana retail facility.

1326 11. Making misleading, deceptive, or fraudulent
1327 representations in or related to the business practices of a
1328 medical marijuana treatment center or a medical marijuana retail
1329 facility.

1330 12. Having a license or the authority to engage in any
1331 regulated profession, occupation, or business that is related to
1332 the business practices of a medical marijuana treatment center
1333 or a medical marijuana retail facility suspended, revoked, or
1334 otherwise acted against by the licensing authority of any

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1335 jurisdiction, including its agencies or subdivisions, for a
1336 violation that would constitute a violation under Florida law.

1337 13. Violating a lawful order of the department or an agency
1338 of the state, or failing to comply with a lawfully issued
1339 subpoena of the department or an agency of the state.

1340 (g) The department may suspend, revoke, or refuse to renew
1341 the license of a medical marijuana treatment center or a medical
1342 marijuana retail facility ~~license~~ if the medical marijuana
1343 treatment center or medical marijuana retail facility commits
1344 any of the violations in paragraph (f).

1345 (h) The department may adopt rules pursuant to ss.
1346 120.536(1) and 120.54 to implement this subsection.

1347 ~~(12)~~ ~~(11)~~ PREEMPTION.—Regulation of cultivation, processing,
1348 and delivery of marijuana by medical marijuana treatment centers
1349 is preempted to the state except as provided in this subsection.

1350 (a) A medical marijuana treatment center cultivating or
1351 processing facility may not be located within 500 feet of the
1352 real property that comprises a public or private elementary
1353 school, middle school, or secondary school.

1354 (b)1. A county or municipality may, by ordinance, ban
1355 medical marijuana treatment center dispensing facilities or
1356 medical marijuana retail facilities from being located within
1357 the boundaries of that county or municipality. A county or
1358 municipality that does not ban dispensing facilities or medical
1359 marijuana retail facilities under this subparagraph may not
1360 place specific limits, by ordinance, on the number of dispensing
1361 facilities or medical marijuana retail facilities that may
1362 locate within that county or municipality.

1363 2. A municipality may determine by ordinance the criteria

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1364 for the location of, and other permitting requirements that do
1365 not conflict with state law or department rule for, medical
1366 marijuana treatment center dispensing facilities or medical
1367 marijuana retail facilities located within the boundaries of
1368 that municipality. A county may determine by ordinance the
1369 criteria for the location of, and other permitting requirements
1370 that do not conflict with state law or department rule for, all
1371 such dispensing facilities and medical marijuana retail
1372 facilities located within the unincorporated areas of that
1373 county. Except as provided in paragraph (c), a county or
1374 municipality may not enact ordinances for permitting or for
1375 determining the location of dispensing facilities and medical
1376 marijuana retail facilities which are more restrictive than its
1377 ordinances permitting or determining the locations for
1378 pharmacies licensed under chapter 465. A municipality or county
1379 may not charge a medical marijuana treatment center or a medical
1380 marijuana retail facility a license or permit fee in an amount
1381 greater than the fee charged by such municipality or county to
1382 pharmacies. A dispensing facility location approved by a
1383 municipality or county pursuant to former s. 381.986(8)(b),
1384 Florida Statutes 2016, is not subject to the location
1385 requirements of this subsection.

1386 (c) A medical marijuana treatment center dispensing
1387 facility or a medical marijuana retail facility may not be
1388 located within 500 feet of the real property that comprises a
1389 public or private elementary school, middle school, or secondary
1390 school unless the county or municipality approves the location
1391 through a formal proceeding open to the public at which the
1392 county or municipality determines that the location promotes the

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1393 public health, safety, and general welfare of the community.

1394 (d) This subsection does not prohibit any local
 1395 jurisdiction from ensuring that medical marijuana treatment
 1396 center dispensing facilities and medical marijuana retail
 1397 facilities comply with the Florida Building Code, the Florida
 1398 Fire Prevention Code, or any local amendments to the Florida
 1399 Building Code or the Florida Fire Prevention Code.

1400 (13)~~(12)~~ PENALTIES.—

1401 (a) A qualified physician commits a misdemeanor of the
 1402 first degree, punishable as provided in s. 775.082 or s.
 1403 775.083, if the qualified physician issues a physician
 1404 certification for the medical use of marijuana for a patient
 1405 without a reasonable belief that the patient is suffering from a
 1406 qualifying medical condition.

1407 (b) A person who fraudulently represents that he or she has
 1408 a qualifying medical condition to a qualified physician for the
 1409 purpose of being issued a physician certification commits a
 1410 misdemeanor of the first degree, punishable as provided in s.
 1411 775.082 or s. 775.083.

1412 (c) A qualified patient who uses marijuana, not including
 1413 low-THC cannabis, or a caregiver who administers marijuana, not
 1414 including low-THC cannabis, in plain view of or in a place open
 1415 to the general public; in a school bus, a vehicle, an aircraft,
 1416 or a boat; or on the grounds of a school except as provided in
 1417 s. 1006.062, commits a misdemeanor of the first degree,
 1418 punishable as provided in s. 775.082 or s. 775.083.

1419 (d) A qualified patient or caregiver who cultivates
 1420 marijuana or who purchases or acquires marijuana from any person
 1421 or entity other than a medical marijuana treatment center or a

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1422 medical marijuana retail facility violates s. 893.13 and is
1423 subject to the penalties provided therein.

1424 (e)1. A qualified patient or caregiver in possession of
1425 marijuana or a marijuana delivery device who fails or refuses to
1426 present his or her marijuana use registry identification card
1427 upon the request of a law enforcement officer commits a
1428 misdemeanor of the second degree, punishable as provided in s.
1429 775.082 or s. 775.083, unless it can be determined through the
1430 medical marijuana use registry that the person is authorized to
1431 be in possession of that marijuana or marijuana delivery device.

1432 2. A person charged with a violation of this paragraph may
1433 not be convicted if, before or at the time of his or her court
1434 or hearing appearance, the person produces in court or to the
1435 clerk of the court in which the charge is pending a medical
1436 marijuana use registry identification card issued to him or her
1437 which is valid at the time of his or her arrest. The clerk of
1438 the court is authorized to dismiss such case at any time before
1439 the defendant's appearance in court. The clerk of the court may
1440 assess a fee of \$5 for dismissing the case under this paragraph.

1441 (f) A caregiver who violates any of the applicable
1442 provisions of this section or applicable department rules, for
1443 the first offense, commits a misdemeanor of the second degree,
1444 punishable as provided in s. 775.082 or s. 775.083 and, for a
1445 second or subsequent offense, commits a misdemeanor of the first
1446 degree, punishable as provided in s. 775.082 or s. 775.083.

1447 (g) A qualified physician who issues a physician
1448 certification for marijuana or a marijuana delivery device and
1449 receives compensation from a medical marijuana treatment center
1450 related to the issuance of a physician certification for

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1451 marijuana or a marijuana delivery device is subject to
1452 disciplinary action under the applicable practice act and s.
1453 456.072(1)(n).

1454 (h) A person transporting marijuana or marijuana delivery
1455 devices on behalf of a medical marijuana treatment center or
1456 marijuana testing laboratory who fails or refuses to present a
1457 transportation manifest upon the request of a law enforcement
1458 officer commits a misdemeanor of the second degree, punishable
1459 as provided in s. 775.082 or s. 775.083.

1460 (i) Persons and entities conducting activities authorized
1461 and governed by this section and s. 381.988 are subject to ss.
1462 456.053, 456.054, and 817.505, as applicable.

1463 (j) A person or entity that cultivates, processes,
1464 distributes, sells, or dispenses marijuana, as defined in s.
1465 29(b)(4), Art. X of the State Constitution, and is not licensed
1466 as a medical marijuana treatment center or as a medical
1467 marijuana retail facility violates s. 893.13 and is subject to
1468 the penalties provided therein.

1469 (k) A person who manufactures, distributes, sells, gives,
1470 or possesses with the intent to manufacture, distribute, sell,
1471 or give marijuana or a marijuana delivery device that he or she
1472 holds out to have originated from a licensed medical marijuana
1473 treatment center but that is counterfeit commits a felony of the
1474 third degree, punishable as provided in s. 775.082, s. 775.083,
1475 or s. 775.084. For the purposes of this paragraph, the term
1476 "counterfeit" means marijuana; a marijuana delivery device; or a
1477 marijuana or marijuana delivery device container, seal, or label
1478 which, without authorization, bears the trademark, trade name,
1479 or other identifying mark, imprint, or device, or any likeness

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1480 thereof, of a licensed medical marijuana treatment center and
1481 which thereby falsely purports or is represented to be the
1482 product of, or to have been distributed by, that licensed
1483 medical marijuana treatment center ~~facility~~.

1484 (l) A person who distributes, sells, gives, or possesses
1485 with the intent to manufacture, distribute, sell, or give
1486 marijuana or a marijuana delivery device that he or she holds
1487 out to have been dispensed from a licensed medical marijuana
1488 retail facility but that is counterfeit commits a felony of the
1489 third degree, punishable as provided in s. 775.082, s. 775.083,
1490 or s. 775.084. For the purposes of this paragraph, the term
1491 "counterfeit" means marijuana; a marijuana delivery device; or a
1492 marijuana or marijuana delivery device container, seal, or label
1493 which, without authorization, bears the trademark, trade name,
1494 or other identifying mark, imprint, or device, or any likeness
1495 thereof, of a licensed medical marijuana retail facility and
1496 which thereby falsely purports or is represented to be the
1497 product of, or to have been distributed by, that licensed
1498 medical marijuana retail facility.

1499 (m)~~(l)~~ Any person who possesses or manufactures a blank,
1500 forged, stolen, fictitious, fraudulent, counterfeit, or
1501 otherwise unlawfully issued medical marijuana use registry
1502 identification card commits a felony of the third degree,
1503 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1504 (15)~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1505 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1506 any other provision of law, but subject to the requirements of
1507 this section, a qualified patient and the qualified patient's
1508 caregiver may purchase from a medical marijuana treatment center

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1509 or a medical marijuana retail facility for the patient's medical
1510 use a marijuana delivery device and up to the amount of
1511 marijuana authorized in the physician certification, but may not
1512 possess more than a 70-day supply of marijuana at any given time
1513 and all marijuana purchased must remain in its original
1514 packaging.

1515 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1516 any other provision of law, but subject to the requirements of
1517 this section, a licensed ~~an approved~~ medical marijuana treatment
1518 center and its owners, managers, and employees may manufacture,
1519 possess, sell, deliver, distribute, dispense, and lawfully
1520 dispose of marijuana or a marijuana delivery device as provided
1521 in this section, in s. 381.988, and by department rule. For the
1522 purposes of this subsection, the terms "manufacture,"
1523 "possession," "deliver," "distribute," and "dispense" have the
1524 same meanings as provided in s. 893.02.

1525 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1526 any other provision of law, but subject to the requirements of
1527 this section, a medical marijuana retail facility and its
1528 owners, managers, and employees may possess, sell, distribute,
1529 dispense, and lawfully dispose of marijuana or a marijuana
1530 delivery device as provided in this section, in s. 381.988, and
1531 by department rule. For the purposes of this subsection, the
1532 terms "possession," "distribute," and "dispense" have the same
1533 meanings as provided in s. 893.02.

1534 (d) ~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1535 or any other provision of law, but subject to the requirements
1536 of this section, a certified marijuana testing laboratory,
1537 including an employee of a certified marijuana testing

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1538 laboratory acting within the scope of his or her employment, may
1539 acquire, possess, test, transport, and lawfully dispose of
1540 marijuana as provided in this section, in s. 381.988, and by
1541 department rule.

1542 (e)~~(d)~~ A licensed medical marijuana treatment center and
1543 its owners, managers, and employees are not subject to licensure
1544 or regulation under chapter 465 or chapter 499 for
1545 manufacturing, possessing, selling, delivering, distributing,
1546 dispensing, or lawfully disposing of marijuana or a marijuana
1547 delivery device, as provided in this section, in s. 381.988, and
1548 by department rule.

1549 (f) A licensed medical marijuana retail facility and its
1550 owners, managers, and employees are not subject to licensure or
1551 regulation under chapter 465 or chapter 499 for possessing,
1552 selling, distributing, dispensing, or lawfully disposing of
1553 marijuana or a marijuana delivery device, as provided in this
1554 section, in s. 381.988, and by department rule.

1555 (g)~~(e)~~ This subsection does not exempt a person from
1556 prosecution for a criminal offense related to impairment or
1557 intoxication resulting from the medical use of marijuana or
1558 relieve a person from any requirement under law to submit to a
1559 breath, blood, urine, or other test to detect the presence of a
1560 controlled substance.

1561 (h)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1562 or any other provision of law, but subject to the requirements
1563 of this section and pursuant to policies and procedures
1564 established pursuant to s. 1006.62(8), school personnel may
1565 possess marijuana that is obtained for medical use pursuant to
1566 this section by a student who is a qualified patient.

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1567 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1568 or any other provision of law, but subject to the requirements
1569 of this section, a research institute established by a public
1570 postsecondary educational institution, such as the H. Lee
1571 Moffitt Cancer Center and Research Institute, Inc., established
1572 under s. 1004.43, or a state university that has achieved the
1573 preeminent state research university designation under s.
1574 1001.7065 may possess, test, transport, and lawfully dispose of
1575 marijuana for research purposes as provided by this section.

1576 Section 2. Section 381.987, Florida Statutes, is amended to
1577 read:

1578 381.987 Public records exemption for personal identifying
1579 information relating to medical marijuana held by the
1580 department.—

1581 (1) The following information is confidential and exempt
1582 from s. 119.07(1) and s. 24(a), Art. I of the State
1583 Constitution:

1584 (a) A patient's or caregiver's personal identifying
1585 information held by the department in the medical marijuana use
1586 registry established under s. 381.986, including, but not
1587 limited to, the patient's or caregiver's name, address, date of
1588 birth, photograph, and telephone number.

1589 (b) All personal identifying information collected for the
1590 purpose of issuing a patient's or caregiver's medical marijuana
1591 use registry identification card described in s. 381.896.

1592 (c) All personal identifying information pertaining to the
1593 physician certification for marijuana and the dispensing thereof
1594 held by the department, including, but not limited to,
1595 information related to the patient's diagnosis, exception

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1596 requests to the daily dose amount limit, and the qualified
1597 patient's experience related to the medical use of marijuana.

1598 (d) A qualified physician's Drug Enforcement Administration
1599 number, residential address, and government-issued
1600 identification card.

1601 (2) The department shall allow access to the confidential
1602 and exempt information in the medical marijuana use registry to:

1603 (a) A law enforcement agency that is investigating a
1604 violation of law regarding marijuana in which the subject of the
1605 investigation claims an exception established under s. 381.986,
1606 except for information related to the patient's diagnosis.

1607 (b) A medical marijuana treatment center or a medical
1608 marijuana retail facility that is licensed ~~approved~~ by the
1609 department pursuant to s. 381.986 which is attempting to verify
1610 the authenticity of a physician certification for marijuana,
1611 including whether the certification had been previously filled
1612 and whether the certification was issued for the person
1613 attempting to have it filled, except for information related to
1614 the patient's diagnosis.

1615 (c) A physician who has issued a certification for
1616 marijuana for the purpose of monitoring the patient's use of
1617 such marijuana or for the purpose of determining, before issuing
1618 a certification for marijuana, whether another physician has
1619 issued a certification for the patient's use of marijuana. The
1620 physician may access the confidential and exempt information
1621 only for the patient for whom he or she has issued a
1622 certification or is determining whether to issue a certification
1623 for the use of marijuana pursuant to s. 381.986.

1624 (d) A practitioner licensed to prescribe prescription

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1625 medications to ensure proper care of a patient before
1626 prescribing medication to that patient which may interact with
1627 marijuana.

1628 (e) An employee of the department for the purposes of
1629 maintaining the registry and periodic reporting or disclosure of
1630 information that has been redacted to exclude personal
1631 identifying information.

1632 (f) An employee of the department for the purposes of
1633 reviewing physician registration and the issuance of physician
1634 certifications to monitor practices that could facilitate
1635 unlawful diversion or the misuse of marijuana or a marijuana
1636 delivery device.

1637 (g) The department's relevant health care regulatory boards
1638 responsible for the licensure, regulation, or discipline of a
1639 physician if he or she is involved in a specific investigation
1640 of a violation of s. 381.986. If a health care regulatory
1641 board's investigation reveals potential criminal activity, the
1642 board may provide any relevant information to the appropriate
1643 law enforcement agency.

1644 (h) The Coalition for Medical Marijuana Research and
1645 Education established in s. 1004.4351(4).

1646 (i) A person engaged in bona fide research if the person
1647 agrees:

1648 1. To submit a research plan to the department which
1649 specifies the exact nature of the information requested and the
1650 intended use of the information;

1651 2. To maintain the confidentiality of the records or
1652 information if personal identifying information is made
1653 available to the researcher;

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1654 3. To destroy any confidential and exempt records or
1655 information obtained after the research is concluded; and

1656 4. Not to contact, directly or indirectly, for any purpose,
1657 a patient or physician whose information is in the registry.

1658 (3) The department shall allow access to the confidential
1659 and exempt information pertaining to the physician certification
1660 for marijuana and the dispensing thereof, whether in the
1661 registry or otherwise held by the department, to:

1662 (a) An employee of the department for the purpose of
1663 approving or disapproving a request for an exception to the
1664 daily dose amount limit for a qualified patient; and

1665 (b) The Coalition for Medical Marijuana Research and
1666 Education pursuant to s. 381.986 for the purpose of conducting
1667 research regarding the medical use of marijuana.

1668 (4) All information released by the department under
1669 subsections (2) and (3) remains confidential and exempt, and a
1670 person who receives access to such information must maintain the
1671 confidential and exempt status of the information received.

1672 (5) A person who willfully and knowingly violates this
1673 section commits a felony of the third degree, punishable as
1674 provided in s. 775.082 or s. 775.083.

1675 (6) This section is subject to the Open Government Sunset
1676 Review Act in accordance with s. 119.15 and shall stand repealed
1677 on October 2, 2022, unless reviewed and saved from repeal
1678 through reenactment by the Legislature.

1679 Section 3. This act shall take effect upon becoming a law.