

1 A bill to be entitled
 2 An act relating to medical marijuana growers; amending
 3 s. 381.986, F.S.; deleting a requirement that the
 4 Department of Health grant a medical marijuana
 5 treatment center license to a member of a specified
 6 association; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (a) of subsection (8) of section
 11 381.986, Florida Statutes, is amended to read:

12 381.986 Medical use of marijuana.—

13 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

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

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

35 | 2. The department shall license as medical marijuana
36 | treatment centers 10 applicants that meet the requirements of
37 | this section, under the following parameters:

38 | a. As soon as practicable, but no later than August 1,
39 | 2017, the department shall license any applicant whose
40 | application was reviewed, evaluated, and scored by the
41 | department and which was denied a dispensing organization
42 | license by the department under former s. 381.986, Florida
43 | Statutes 2014; which had one or more administrative or judicial
44 | challenges pending as of January 1, 2017, or had a final ranking
45 | within one point of the highest final ranking in its region
46 | under former s. 381.986, Florida Statutes 2014; which meets the
47 | requirements of this section; and which provides documentation
48 | to the department that it has the existing infrastructure and
49 | technical and technological ability to begin cultivating
50 | marijuana within 30 days after registration as a medical

51 marijuana treatment center.

52 b. As soon as practicable, ~~but no later than October 3,~~
 53 ~~2017,~~ the department shall license one applicant that is a
 54 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
 55 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
 56 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
 57 ~~Agriculturalists Association Florida Chapter.~~ An applicant
 58 licensed under this sub-subparagraph is exempt from the
 59 requirements of subparagraphs (b)1. and 2.

60 c. As soon as practicable, but no later than October 3,
 61 2017, the department shall license applicants that meet the
 62 requirements of this section in sufficient numbers to result in
 63 10 total licenses issued under this subparagraph, while
 64 accounting for the number of licenses issued under sub-
 65 subparagraphs a. and b.

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

73 4. Within 6 months after the registration of 100,000
 74 active qualified patients in the medical marijuana use registry,
 75 the department shall license four additional medical marijuana

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

82 5. Dispensing facilities are subject to the following
83 requirements:

84 a. A medical marijuana treatment center may not establish
85 or operate more than a statewide maximum of 25 dispensing
86 facilities, unless the medical marijuana use registry reaches a
87 total of 100,000 active registered qualified patients. When the
88 medical marijuana use registry reaches 100,000 active registered
89 qualified patients, and then upon each further instance of the
90 total active registered qualified patients increasing by
91 100,000, the statewide maximum number of dispensing facilities
92 that each licensed medical marijuana treatment center may
93 establish and operate increases by five.

94 b. A medical marijuana treatment center may not establish
95 more than the maximum number of dispensing facilities allowed in
96 each of the Northwest, Northeast, Central, Southwest, and
97 Southeast Regions. The department shall determine a medical
98 marijuana treatment center's maximum number of dispensing
99 facilities allowed in each region by calculating the percentage
100 of the total statewide population contained within that region

101 and multiplying that percentage by the medical marijuana
102 treatment center's statewide maximum number of dispensing
103 facilities established under sub-subparagraph a., rounded to the
104 nearest whole number. The department shall ensure that such
105 rounding does not cause a medical marijuana treatment center's
106 total number of statewide dispensing facilities to exceed its
107 statewide maximum. The department shall initially calculate the
108 maximum number of dispensing facilities allowed in each region
109 for each medical marijuana treatment center using county
110 population estimates from the Florida Estimates of Population
111 2016, as published by the Office of Economic and Demographic
112 Research, and shall perform recalculations following the
113 official release of county population data resulting from each
114 United States Decennial Census. For the purposes of this
115 subparagraph:

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

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

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

126 | Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
127 | Counties.

128 | (IV) The Southwest Region consists of Charlotte, Collier,
129 | DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
130 | Okeechobee, and Sarasota Counties.

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

133 | c. If a medical marijuana treatment center establishes a
134 | number of dispensing facilities within a region that is less
135 | than the number allowed for that region under sub-subparagraph
136 | b., the medical marijuana treatment center may sell one or more
137 | of its unused dispensing facility slots to other licensed
138 | medical marijuana treatment centers. For each dispensing
139 | facility slot that a medical marijuana treatment center sells,
140 | that medical marijuana treatment center's statewide maximum
141 | number of dispensing facilities, as determined under sub-
142 | subparagraph a., is reduced by one. The statewide maximum number
143 | of dispensing facilities for a medical marijuana treatment
144 | center that purchases an unused dispensing facility slot is
145 | increased by one per slot purchased. Additionally, the sale of a
146 | dispensing facility slot shall reduce the seller's regional
147 | maximum and increase the purchaser's regional maximum number of
148 | dispensing facilities, as determined in sub-subparagraph b., by
149 | one for that region. For any slot purchased under this sub-
150 | subparagraph, the regional restriction applied to that slot's

151 location under sub-subparagraph b. before the purchase shall
152 remain in effect following the purchase. A medical marijuana
153 treatment center that sells or purchases a dispensing facility
154 slot must notify the department within 3 days of sale.

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

156

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

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