



313496

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/02/2019 12:13 PM

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Senator Berman moved the following:

1 **Senate Amendment to House Amendment (822543) (with**
2 **directory and title amendments)**

3
4 Between lines 142 and 143
5 insert:

6 (a) The department shall license medical marijuana
7 treatment centers to ensure reasonable statewide accessibility
8 and availability as necessary for qualified patients registered
9 in the medical marijuana use registry and who are issued a
10 physician certification under this section.

11 1. As soon as practicable, but no later than July 3, 2017,



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12 the department shall license as a medical marijuana treatment
13 center any entity that holds an active, unrestricted license to
14 cultivate, process, transport, and dispense low-THC cannabis,
15 medical cannabis, and cannabis delivery devices, under former s.
16 381.986, Florida Statutes 2016, before July 1, 2017, and which
17 meets the requirements of this section. In addition to the
18 authority granted under this section, these entities are
19 authorized to dispense low-THC cannabis, medical cannabis, and
20 cannabis delivery devices ordered pursuant to former s. 381.986,
21 Florida Statutes 2016, which were entered into the compassionate
22 use registry before July 1, 2017, and are authorized to begin
23 dispensing marijuana under this section on July 3, 2017. The
24 department may grant variances from the representations made in
25 such an entity's original application for approval under former
26 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

30 a. As soon as practicable, but no later than August 1,
31 2017, the department shall license any applicant whose
32 application was reviewed, evaluated, and scored by the
33 department and which was denied a dispensing organization
34 license by the department under former s. 381.986, Florida
35 Statutes 2014; which had one or more administrative or judicial
36 challenges pending as of January 1, 2017, or had a final ranking
37 within one point of the highest final ranking in its region
38 under former s. 381.986, Florida Statutes 2014; which meets the
39 requirements of this section; and which provides documentation
40 to the department that it has the existing infrastructure and



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41 technical and technological ability to begin cultivating
42 marijuana within 30 days after registration as a medical
43 marijuana treatment center.

44 b. As soon as practicable, the department shall license one
45 applicant that is a recognized class member of *Pigford v.*
46 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
47 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
48 under this sub-subparagraph is exempt from the requirement of
49 subparagraph (b)2.

50 c. As soon as practicable, but no later than October 3,
51 2017, the department shall license applicants that meet the
52 requirements of this section in sufficient numbers to result in
53 10 total licenses issued under this subparagraph, while
54 accounting for the number of licenses issued under sub-
55 subparagraphs a. and b.

56
57 The recipient of a medical marijuana treatment center license
58 issued pursuant to a settlement or resolution of any claim
59 against the department may not be counted as 1 of the 10
60 licensed applicants.

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

68 4. Within 6 months after the registration of 100,000 active
69 qualified patients in the medical marijuana use registry, the



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70 department shall license four additional medical marijuana
71 treatment centers that meet the requirements of this section.
72 Thereafter, the department shall license four medical marijuana
73 treatment centers within 6 months after the registration of each
74 additional 100,000 active qualified patients in the medical
75 marijuana use registry that meet the requirements of this
76 section.

77

78 The recipient of a medical marijuana treatment center license
79 issued pursuant to a settlement or resolution of any claim
80 against the department may not be counted as one of the four
81 licensed medical marijuana treatment centers.

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



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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.



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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.

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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
163 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

164 And the directory clause is amended as follows:

165 Delete line 6

166 and insert:

167 paragraphs (a) and (e) of subsection (8), and paragraph (a) of
168 subsection

169
170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete line 546

173 and insert:

174 status; providing that a medical marijuana treatment
175 center license issued pursuant to a settlement or
176 resolution of a certain claim does not count toward
177 the number of licenses required to be issued by the
178 apartment; authorizing the department to