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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/02/2019 12:19 PM

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Senator Berman moved the following:

**Senate Amendment (with title amendment)**

Between lines 221 and 222

insert:

Section 2. Paragraph (a) of subsection (8) of section  
381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana  
treatment centers to ensure reasonable statewide accessibility  
and availability as necessary for qualified patients registered



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12 in the medical marijuana use registry and who are issued a  
13 physician certification under this section.

14 1. As soon as practicable, but no later than July 3, 2017,  
15 the department shall license as a medical marijuana treatment  
16 center any entity that holds an active, unrestricted license to  
17 cultivate, process, transport, and dispense low-THC cannabis,  
18 medical cannabis, and cannabis delivery devices, under former s.  
19 381.986, Florida Statutes 2016, before July 1, 2017, and which  
20 meets the requirements of this section. In addition to the  
21 authority granted under this section, these entities are  
22 authorized to dispense low-THC cannabis, medical cannabis, and  
23 cannabis delivery devices ordered pursuant to former s. 381.986,  
24 Florida Statutes 2016, which were entered into the compassionate  
25 use registry before July 1, 2017, and are authorized to begin  
26 dispensing marijuana under this section on July 3, 2017. The  
27 department may grant variances from the representations made in  
28 such an entity's original application for approval under former  
29 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

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



41 under former s. 381.986, Florida Statutes 2014; which meets the  
42 requirements of this section; and which provides documentation  
43 to the department that it has the existing infrastructure and  
44 technical and technological ability to begin cultivating  
45 marijuana within 30 days after registration as a medical  
46 marijuana treatment center.

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

53 c. As soon as practicable, but no later than October 3,  
54 2017, the department shall license applicants that meet the  
55 requirements of this section in sufficient numbers to result in  
56 10 total licenses issued under this subparagraph, while  
57 accounting for the number of licenses issued under sub-  
58 subparagraphs a. and b.

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

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



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70 the processing of marijuana.

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

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

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

87 a. A medical marijuana treatment center may not establish  
88 or operate more than a statewide maximum of 25 dispensing  
89 facilities, unless the medical marijuana use registry reaches a  
90 total of 100,000 active registered qualified patients. When the  
91 medical marijuana use registry reaches 100,000 active registered  
92 qualified patients, and then upon each further instance of the  
93 total active registered qualified patients increasing by  
94 100,000, the statewide maximum number of dispensing facilities  
95 that each licensed medical marijuana treatment center may  
96 establish and operate increases by five.

97 b. A medical marijuana treatment center may not establish  
98 more than the maximum number of dispensing facilities allowed in



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

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

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

127 (III) The Central Region consists of Brevard, Citrus,



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128 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,  
129 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia  
130 Counties.

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

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

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



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157 slot must notify the department within 3 days of sale.

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

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

165

166 ===== T I T L E A M E N D M E N T =====

167 And the title is amended as follows:

168 Between lines 7 and 8

169 insert:

170 amending s. 381.986, F.S.; providing that a medical  
171 marijuana treatment center license issued pursuant to  
172 a settlement or resolution of a certain claim does not  
173 count toward the number of licenses required to be  
174 issued by the department;