

1 A bill to be entitled

2 An act relating to the availability of marijuana for
3 adult use; amending s. 212.08, F.S.; revising the
4 sales tax exemption for the sale of marijuana and
5 marijuana delivery devices to only include sales to
6 qualified patients or caregivers; amending s. 381.986,
7 F.S.; revising provisions related to the licensure and
8 functions of medical marijuana treatment centers
9 (MMTCs); requiring the Department of Health to adopt
10 by rule certain operating standards and procedures;
11 requiring the department to adopt by rule a certain
12 MMTC registration form; specifying registration
13 requirements; providing that a registration expires
14 within a specified timeframe; specifying that
15 registration is not sufficient for certain operations;
16 requiring an MMTC to obtain separate operating
17 licenses for certain operations; specifying
18 application requirements for MMTCs to obtain
19 cultivation licenses and processing licenses;
20 providing for the expiration of and renewal of such
21 licenses; requiring an MMTC to obtain a facility
22 permit before cultivating or processing marijuana in
23 the facility; authorizing MMTCs licensed to cultivate
24 or process marijuana to use contractors to assist with
25 the cultivation and processing of marijuana under

26 | certain conditions; providing for the destruction of
27 | certain marijuana byproducts within a specified
28 | timeframe after their production; authorizing MMTCs
29 | licensed to cultivate and process marijuana to
30 | wholesale marijuana to other registered MMTCs under
31 | certain circumstances; prohibiting an MMTC from
32 | transporting or delivering marijuana outside of its
33 | property without a transportation license; providing
34 | requirements for the cultivation and the processing of
35 | marijuana; deleting the requirement that each MMTC
36 | produce and make available for purchase at least one
37 | low-THC cannabis product; deleting
38 | tetrahydrocannabinol limits for edibles; requiring an
39 | MMTC that holds a license for processing to test
40 | marijuana before it is sold in addition to when it is
41 | dispensed; deleting obsolete language; revising
42 | marijuana packaging requirements; providing
43 | application requirements for an MMTC to obtain a
44 | retail license; providing for the expiration and
45 | renewal of such licenses; requiring an MMTC to obtain
46 | a facility permit before selling, dispensing, or
47 | storing marijuana in the facility; requiring the
48 | facility to cease certain operations under certain
49 | circumstances; prohibiting a dispensing facility from
50 | repackaging or modifying marijuana that has already

51 | been packaged for sale, with certain exceptions;
52 | authorizing a retail licensee to contract with an MMTC
53 | that has a transportation license to transport
54 | marijuana for the retail licensee under certain
55 | circumstances; prohibiting onsite consumption or
56 | administration of marijuana at a dispensing facility;
57 | revising requirements for the dispensing of marijuana;
58 | requiring a licensed retail MMTC to include specified
59 | information on a label for marijuana or a marijuana
60 | delivery device dispensed to a qualified patient or
61 | caregiver; authorizing an MMTC to sell marijuana to an
62 | adult 21 years of age or older under certain
63 | circumstances; requiring MMTC employees to verify the
64 | age of such buyers using specified methods;
65 | prohibiting an MMTC from requesting or storing any
66 | personal information of a buyer other than to verify
67 | the buyer's age; deleting a provision prohibiting an
68 | MMTC from dispensing or selling specified products;
69 | providing application requirements for an MMTC to
70 | obtain a transportation license; providing marijuana
71 | transportation requirements; prohibiting the
72 | transportation of marijuana on certain properties;
73 | prohibiting the transportation of marijuana in a
74 | vehicle that is not owned or leased by a licensee or
75 | the licensee's contractor or appropriately permitted

76 | by the department; providing a process for the
77 | issuance and cancellation of vehicle permits;
78 | requiring that each permitted vehicle be GPS
79 | monitored; specifying that a permitted vehicle
80 | transporting marijuana is subject to inspection and
81 | search without a search warrant by specified persons;
82 | authorizing an MMTC licensed to transport marijuana
83 | and marijuana delivery devices to deliver or contract
84 | for the delivery of marijuana to other MMTCs, to
85 | qualified patients and caregivers within this state,
86 | and to adults 21 years of age or older within this
87 | state; establishing that a county or municipality may
88 | not prohibit deliveries of marijuana to qualified
89 | patients and caregivers within the county or
90 | municipality; requiring an MMTC delivering marijuana
91 | or a marijuana delivery device to a qualified patient
92 | or his or her caregiver to verify the identity of the
93 | qualified patient; requiring an MMTC delivering
94 | marijuana to an adult 21 years of age or older to
95 | verify his or her age; requiring the department to
96 | adopt certain rules for the delivery of marijuana;
97 | authorizing MMTCs to use contractors to assist with
98 | the transportation of marijuana, but providing that an
99 | MMTC is responsible for the actions and operations of
100 | such a contractor which are related to the

101 transportation of marijuana; requiring an MMTC to know
102 the location of all of its marijuana products at all
103 times; requiring principals and employees of a
104 contractor to register with the department and receive
105 an MMTC employee identification card before
106 participating in the operations of the MMTC; providing
107 for the permitting of cultivation, processing,
108 dispensing, and storage facilities; requiring the
109 department to adopt by rule a facility permit
110 application form; requiring the department to inspect
111 a facility before issuing a permit; requiring the
112 department to issue or deny a facility permit within a
113 specified timeframe; providing for the expiration of
114 facility permits; requiring the department to inspect
115 a facility for compliance before the renewal of a
116 facility permit; requiring an MMTC to cease applicable
117 operations if a facility's permit expires or is
118 suspended or revoked; requiring cultivation facilities
119 and processing facilities to be insured with specified
120 hazard and liability insurance; providing cultivation
121 facility and processing facility requirements;
122 preempting to the state all matters regarding the
123 permitting and regulation of cultivation facilities
124 and processing facilities; requiring dispensing
125 facilities and storage facilities to be insured with

126 specified hazard and liability insurance; providing
127 dispensing facility and storage facility requirements;
128 clarifying that a county or a municipality may
129 prohibit a dispensing facility from being located in
130 its jurisdiction but may not prohibit a licensed
131 retail MMTC or its permitted storage facility from
132 being located in such county's or municipality's
133 jurisdiction if the MMTC is delivering marijuana to
134 qualified patients; prohibiting the department from
135 issuing a facility permit for a dispensing facility in
136 a county or municipality that adopts a specified
137 ordinance; authorizing a county or municipality to
138 levy a local tax on a dispensing facility; providing
139 that local ordinances may not result in or provide for
140 certain outcomes; authorizing the department to adopt
141 specified requirements by rule; requiring the
142 department to adopt rules to administer the
143 registration of certain MMTC principals, employees,
144 and contractors; requiring an MMTC to apply to the
145 department for the registration of certain persons
146 before hiring or contracting with any such person;
147 requiring the department to adopt by rule a
148 registration form that includes specified information;
149 requiring the department to register persons who
150 satisfy specified conditions and issue them MMTC

151 employee identification cards; requiring a registered
152 person and the MMTC to update the department within a
153 specified timeframe if certain information or the
154 person's employment status changes; authorizing the
155 department to contract with vendors to issue MMTC
156 employee identification cards; requiring the
157 department to inspect an MMTC and its facilities upon
158 receipt of a complaint and to inspect each permitted
159 facility at least biennially; authorizing the
160 department to conduct additional inspections of a
161 facility under certain circumstances; authorizing the
162 department to impose administrative penalties on an
163 MMTC for violating certain provisions; requiring the
164 department to refuse to renew an MMTC's cultivation,
165 processing, retail, or transportation license under
166 certain circumstances; revising provisions related to
167 penalties and fees to conform to changes made by the
168 act; providing construction; conforming provisions to
169 changes made by the act; creating s. 381.990, F.S.;
170 authorizing an adult 21 years of age or older to
171 purchase, possess, use, transport, or transfer to
172 another adult 21 years of age or older marijuana
173 products and marijuana delivery devices under certain
174 circumstances; providing that such marijuana products
175 or marijuana delivery devices must be purchased from

176 an MMTC licensed by the department for the retail sale
177 of marijuana and registered with the Department of
178 Business and Professional Regulation (DBPR) for sale
179 of marijuana for adult use; clarifying that a private
180 property owner may restrict the smoking or vaping of
181 marijuana on his or her property but may not prevent
182 his or her tenants from using marijuana by other
183 means; providing that certain provisions do not exempt
184 a person from prosecution for a criminal offense
185 related to impairment or intoxication related to the
186 use of marijuana and do not relieve a person from any
187 legal requirement to submit to certain tests to detect
188 the presence of a controlled substance; requiring the
189 Department of Agriculture and Consumer Services to
190 conduct a study on the advisability of allowing the
191 cultivation of marijuana by members of the public for
192 private use, including use of a specified model;
193 requiring the department to report the results of the
194 study to the Governor and the Legislature by a
195 specified date; amending s. 893.13, F.S.; authorizing
196 a person 21 years of age or older to possess marijuana
197 products in a specified amount and to deliver
198 marijuana products to another person 21 years of age
199 or older, under certain circumstances; providing
200 criminal penalties for the delivery or possession of

201 marijuana products by a person younger than 21 years
202 of age under certain circumstances; creating s.
203 893.1352, F.S.; providing legislative intent;
204 providing for the retroactive applicability of s.
205 893.13, F.S.; requiring certain sentences for
206 specified offenses; requiring sentence review hearings
207 for individuals serving certain sentences for
208 specified crimes; providing resentencing procedures;
209 requiring the waiver of certain conviction-related
210 fines, fees, and costs under certain circumstances;
211 amending s. 893.147, F.S.; authorizing a person 21
212 years of age or older to possess, use, transport, or
213 deliver, without consideration, a marijuana delivery
214 device to a person 21 years of age or older; providing
215 criminal penalties for a person younger than 21 years
216 of age who possesses, uses, transports, or delivers,
217 without consideration, a marijuana delivery device to
218 a person 21 years of age or older; creating s.
219 943.0586, F.S.; defining terms; authorizing an
220 individual convicted of certain crimes to petition the
221 court for expunction of his or her criminal history
222 under certain circumstances; requiring the individual
223 to first obtain a certificate of eligibility from the
224 Department of Law Enforcement; requiring the
225 department to adopt rules establishing the procedures

226 | for applying for and issuing such certificates;
227 | requiring the department to issue a certificate under
228 | certain circumstances; providing for the expiration of
229 | the certificate; providing requirements for the
230 | petition for expunction; providing penalties;
231 | providing for the court's authority over its own
232 | procedures, with an exception; requiring the court to
233 | order the expunction of a criminal history record
234 | under certain circumstances; clarifying that
235 | expunction of certain criminal history records does
236 | not affect eligibility for expunction of other
237 | criminal history records; providing procedures for
238 | processing expunction petitions and orders; providing
239 | that a person granted an expunction may lawfully deny
240 | or fail to acknowledge the underlying arrest or
241 | conviction, with exceptions; providing that a person
242 | may not be deemed to have committed perjury or
243 | otherwise held liable for giving a false statement if
244 | he or she fails to recite or acknowledge an expunged
245 | criminal history record; amending s. 893.15, F.S.;
246 | conforming a provision to changes made by the act;
247 | providing effective dates.

248

249 | Be It Enacted by the Legislature of the State of Florida:

250

251 Section 1. Paragraph (1) of subsection (2) of section
 252 212.08, Florida Statutes, is amended to read:

253 212.08 Sales, rental, use, consumption, distribution, and
 254 storage tax; specified exemptions.—The sale at retail, the
 255 rental, the use, the consumption, the distribution, and the
 256 storage to be used or consumed in this state of the following
 257 are hereby specifically exempt from the tax imposed by this
 258 chapter.

259 (2) EXEMPTIONS; MEDICAL.—

260 (1) Marijuana and marijuana delivery devices, as defined
 261 in s. 381.986, are exempt from the taxes imposed under this
 262 chapter when they are purchased by a qualified patient or a
 263 caregiver, as those terms are defined in s. 381.986.

264 Section 2. Paragraphs (d) through (h), (j), and (k) of
 265 subsection (1), paragraph (b) of subsection (3), paragraph (f)
 266 of subsection (4), paragraphs (a) and (f) of subsection (5),
 267 paragraph (b) of subsection (6), subsections (8) through (12),
 268 paragraphs (a), (b), (c), and (e) of subsection (14), and
 269 subsection (17) of section 381.986, Florida Statutes, are
 270 amended to read:

271 381.986 Medical use of marijuana.—

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

273 (d) "Edibles" means commercially produced food items made
 274 with marijuana oil, but no other form of marijuana, that are
 275 produced and dispensed by a medical marijuana treatment center

276 (MMTC).

277 (e) "Low-THC cannabis" means a plant of the genus
 278 *Cannabis*, the dried flowers of which contain 0.8 percent or less
 279 of tetrahydrocannabinol and more than 10 percent of cannabidiol
 280 weight for weight; the seeds thereof; the resin extracted from
 281 any part of such plant; or any compound, manufacture, salt,
 282 derivative, mixture, or preparation of such plant or its seeds
 283 or resin that is dispensed from an MMTC ~~a medical marijuana~~
 284 ~~treatment center~~.

285 (f) "Marijuana" means all parts of any plant of the genus
 286 *Cannabis*, whether growing or not; the seeds thereof; the resin
 287 extracted from any part of the plant; and every compound,
 288 manufacture, salt, derivative, mixture, or preparation of the
 289 plant or its seeds or resin, including low-THC cannabis, which
 290 are dispensed from an MMTC ~~a medical marijuana treatment center~~
 291 for medical use by a qualified patient.

292 (g) "Marijuana delivery device" means an object used,
 293 intended for use, or designed for use in preparing, storing,
 294 ingesting, inhaling, or otherwise introducing marijuana into the
 295 human body, ~~and~~ which object is dispensed from an MMTC ~~a medical~~
 296 ~~marijuana treatment center~~ for medical use by a qualified
 297 patient; ~~however, such objects except that delivery devices that~~
 298 are intended solely for the medical use of marijuana by smoking
 299 need not be dispensed from an MMTC and ~~a medical marijuana~~
 300 ~~treatment center in order to qualify as marijuana delivery~~

301 devices.

302 (h) "Marijuana testing laboratory" means a facility
 303 certified by the department pursuant to s. 381.988 which that
 304 collects and analyzes marijuana samples from an MMTC ~~a medical~~
 305 ~~marijuana treatment center and has been certified by the~~
 306 ~~department pursuant to s. 381.988.~~

307 (j) "Medical use" means the acquisition, possession, use,
 308 delivery, transfer, or administration of marijuana authorized by
 309 a physician certification. The term does not include:

310 1. Possession, use, or administration of marijuana that
 311 was not purchased or acquired from an MMTC ~~a medical marijuana~~
 312 ~~treatment center.~~

313 2. Possession, use, or administration of marijuana in the
 314 form of commercially produced food items other than edibles or
 315 of marijuana seeds.

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

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

322 5. Use or administration of marijuana in the following
 323 locations:

324 a. On any form of public transportation, except for low-
 325 THC cannabis not in a form for smoking.

326 b. In any public place, except for low-THC cannabis not in
327 a form for smoking.

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

330 d. In a state correctional institution, as defined in s.
331 944.02, or a correctional institution, as defined in s. 944.241.

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

334 f. In a school bus, a vehicle, an aircraft, or a
335 motorboat, except for low-THC cannabis not in a form for
336 smoking.

337 6. The smoking of marijuana in an enclosed indoor
338 workplace as defined in s. 386.203(5).

339 (k) "Physician certification" means a qualified
340 physician's authorization for a qualified patient to receive
341 marijuana and a marijuana delivery device from an MMTC ~~a medical~~
342 ~~marijuana treatment center~~.

343 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

344 (b) A qualified physician may not be employed by, or have
345 any direct or indirect economic interest in, a medical marijuana
346 treatment center (MMTC) or marijuana testing laboratory.

347 (4) PHYSICIAN CERTIFICATION.—

348 (f) A qualified physician may not issue a physician
349 certification for more than three 70-day supply limits of
350 marijuana or more than six 35-day supply limits of marijuana in

351 a form for smoking. The department shall quantify by rule a
352 daily dose amount with equivalent dose amounts for each
353 allowable form of marijuana dispensed by a medical marijuana
354 treatment center (MMTC). The department shall use the daily dose
355 amount to calculate a 70-day supply.

356 1. A qualified physician may request an exception to the
357 daily dose amount limit, the 35-day supply limit of marijuana in
358 a form for smoking, and the 4-ounce possession limit of
359 marijuana in a form for smoking established in paragraph
360 (14) (a). The request shall be made electronically on a form
361 adopted by the department in rule and must include, at a
362 minimum:

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

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

366 c. A description of how the patient will benefit from an
367 increased amount.

368 d. The minimum daily dose amount of marijuana that would
369 be sufficient for the treatment of the qualified patient's
370 qualifying medical condition.

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

373 3. The department shall approve or disapprove the request
374 within 14 days after receipt of the complete documentation
375 required by this paragraph. The request shall be deemed approved

376 | if the department fails to act within this time period.

377 | (5) MEDICAL MARIJUANA USE REGISTRY.—

378 | (a) The department shall create and maintain a secure,
 379 | electronic, and online medical marijuana use registry for
 380 | physicians, patients, and caregivers as provided under this
 381 | section. The medical marijuana use registry must be accessible
 382 | to law enforcement agencies, qualified physicians, and medical
 383 | marijuana treatment centers (MMTCs) to verify the authorization
 384 | of a qualified patient or a caregiver to possess marijuana or a
 385 | marijuana delivery device and record the marijuana or marijuana
 386 | delivery device dispensed. The medical marijuana use registry
 387 | must also be accessible to practitioners licensed to prescribe
 388 | prescription drugs to ensure proper care for patients before
 389 | medications that may interact with the medical use of marijuana
 390 | are prescribed. The medical marijuana use registry must prevent
 391 | an active registration of a qualified patient by multiple
 392 | physicians.

393 | (f) The department may revoke the registration of a
 394 | qualified patient or caregiver who cultivates marijuana or who
 395 | acquires, possesses, or delivers marijuana from any person or
 396 | entity other than an MMTC ~~a medical marijuana treatment center.~~

397 | (6) CAREGIVERS.—

398 | (b) A caregiver must:

399 | 1. Not be a qualified physician and not be employed by or
 400 | have an economic interest in a medical marijuana treatment

401 center (MMTC) or a marijuana testing laboratory.

402 2. Be 21 years of age or older and a resident of this
403 state.

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

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

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

413 6. Pass a level 2 background screening pursuant to chapter
414 435 subsection (9), unless the patient is a close relative of
415 the caregiver. In addition to the disqualifying offenses
416 specified in s. 435.04(2) and (3), a person may not serve as a
417 caregiver if he or she has an arrest awaiting final disposition
418 for; has been found guilty of, regardless of adjudication; or
419 has entered a plea of nolo contendere or guilty to an offense
420 under chapter 837, chapter 895, or chapter 896 or a similar law
421 of another jurisdiction.

422 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

426 ~~in the medical marijuana use registry and who are issued a~~
427 ~~physician certification under this section.~~

428 ~~1. As soon as practicable, but no later than July 3, 2017,~~
429 ~~the department shall license as a medical marijuana treatment~~
430 ~~center any entity that holds an active, unrestricted license to~~
431 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
432 ~~medical cannabis, and cannabis delivery devices, under former s.~~
433 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
434 ~~meets the requirements of this section. In addition to the~~
435 ~~authority granted under this section, these entities are~~
436 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
437 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
438 ~~Florida Statutes 2016, which were entered into the compassionate~~
439 ~~use registry before July 1, 2017, and are authorized to begin~~
440 ~~dispensing marijuana under this section on July 3, 2017. The~~
441 ~~department may grant variances from the representations made in~~
442 ~~such an entity's original application for approval under former~~
443 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

444 ~~2. The department shall license as medical marijuana~~
445 ~~treatment centers 10 applicants that meet the requirements of~~
446 ~~this section, under the following parameters:~~

447 ~~a. As soon as practicable, but no later than August 1,~~
448 ~~2017, the department shall license any applicant whose~~
449 ~~application was reviewed, evaluated, and scored by the~~
450 ~~department and which was denied a dispensing organization~~

451 ~~license by the department under former s. 381.986, Florida~~
452 ~~Statutes 2014; which had one or more administrative or judicial~~
453 ~~challenges pending as of January 1, 2017, or had a final ranking~~
454 ~~within one point of the highest final ranking in its region~~
455 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
456 ~~requirements of this section; and which provides documentation~~
457 ~~to the department that it has the existing infrastructure and~~
458 ~~technical and technological ability to begin cultivating~~
459 ~~marijuana within 30 days after registration as a medical~~
460 ~~marijuana treatment center.~~

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

467 ~~e. As soon as practicable, but no later than October 3,~~
468 ~~2017, the department shall license applicants that meet the~~
469 ~~requirements of this section in sufficient numbers to result in~~
470 ~~10 total licenses issued under this subparagraph, while~~
471 ~~accounting for the number of licenses issued under sub-~~
472 ~~subparagraphs a. and b.~~

473 ~~3. For up to two of the licenses issued under subparagraph~~
474 ~~2., the department shall give preference to applicants that~~
475 ~~demonstrate in their applications that they own one or more~~

476 ~~facilities that are, or were, used for the canning,~~
477 ~~concentrating, or otherwise processing of citrus fruit or citrus~~
478 ~~molasses and will use or convert the facility or facilities for~~
479 ~~the processing of marijuana.~~

480 ~~4. Within 6 months after the registration of 100,000~~
481 ~~active qualified patients in the medical marijuana use registry,~~
482 ~~the department shall license four additional medical marijuana~~
483 ~~treatment centers that meet the requirements of this section.~~
484 ~~Thereafter, the department shall license four medical marijuana~~
485 ~~treatment centers within 6 months after the registration of each~~
486 ~~additional 100,000 active qualified patients in the medical~~
487 ~~marijuana use registry that meet the requirements of this~~
488 ~~section.~~

489 ~~5. Dispensing facilities are subject to the following~~
490 ~~requirements:~~

491 ~~a. A medical marijuana treatment center may not establish~~
492 ~~or operate more than a statewide maximum of 25 dispensing~~
493 ~~facilities, unless the medical marijuana use registry reaches a~~
494 ~~total of 100,000 active registered qualified patients. When the~~
495 ~~medical marijuana use registry reaches 100,000 active registered~~
496 ~~qualified patients, and then upon each further instance of the~~
497 ~~total active registered qualified patients increasing by~~
498 ~~100,000, the statewide maximum number of dispensing facilities~~
499 ~~that each licensed medical marijuana treatment center may~~
500 ~~establish and operate increases by five.~~

501 ~~b. A medical marijuana treatment center may not establish~~
502 ~~more than the maximum number of dispensing facilities allowed in~~
503 ~~each of the Northwest, Northeast, Central, Southwest, and~~
504 ~~Southeast Regions. The department shall determine a medical~~
505 ~~marijuana treatment center's maximum number of dispensing~~
506 ~~facilities allowed in each region by calculating the percentage~~
507 ~~of the total statewide population contained within that region~~
508 ~~and multiplying that percentage by the medical marijuana~~
509 ~~treatment center's statewide maximum number of dispensing~~
510 ~~facilities established under sub-subparagraph a., rounded to the~~
511 ~~nearest whole number. The department shall ensure that such~~
512 ~~rounding does not cause a medical marijuana treatment center's~~
513 ~~total number of statewide dispensing facilities to exceed its~~
514 ~~statewide maximum. The department shall initially calculate the~~
515 ~~maximum number of dispensing facilities allowed in each region~~
516 ~~for each medical marijuana treatment center using county~~
517 ~~population estimates from the Florida Estimates of Population~~
518 ~~2016, as published by the Office of Economic and Demographic~~
519 ~~Research, and shall perform recalculations following the~~
520 ~~official release of county population data resulting from each~~
521 ~~United States Decennial Census. For the purposes of this~~
522 ~~subparagraph:~~

523 ~~(I) The Northwest Region consists of Bay, Calhoun,~~
524 ~~Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,~~
525 ~~Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,~~

526 ~~Walton, and Washington Counties.~~

527 ~~(II) The Northeast Region consists of Alachua, Baker,~~
528 ~~Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,~~
529 ~~Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,~~
530 ~~Suwannee, and Union Counties.~~

531 ~~(III) The Central Region consists of Brevard, Citrus,~~
532 ~~Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,~~
533 ~~Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia~~
534 ~~Counties.~~

535 ~~(IV) The Southwest Region consists of Charlotte, Collier,~~
536 ~~DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,~~
537 ~~Okeechobee, and Sarasota Counties.~~

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

540 ~~e. If a medical marijuana treatment center establishes a~~
541 ~~number of dispensing facilities within a region that is less~~
542 ~~than the number allowed for that region under sub-subparagraph~~
543 ~~b., the medical marijuana treatment center may sell one or more~~
544 ~~of its unused dispensing facility slots to other licensed~~
545 ~~medical marijuana treatment centers. For each dispensing~~
546 ~~facility slot that a medical marijuana treatment center sells,~~
547 ~~that medical marijuana treatment center's statewide maximum~~
548 ~~number of dispensing facilities, as determined under sub-~~
549 ~~subparagraph a., is reduced by one. The statewide maximum number~~
550 ~~of dispensing facilities for a medical marijuana treatment~~

551 ~~center that purchases an unused dispensing facility slot is~~
552 ~~increased by one per slot purchased. Additionally, the sale of a~~
553 ~~dispensing facility slot shall reduce the seller's regional~~
554 ~~maximum and increase the purchaser's regional maximum number of~~
555 ~~dispensing facilities, as determined in sub-subparagraph b., by~~
556 ~~one for that region. For any slot purchased under this sub-~~
557 ~~subparagraph, the regional restriction applied to that slot's~~
558 ~~location under sub-subparagraph b. before the purchase shall~~
559 ~~remain in effect following the purchase. A medical marijuana~~
560 ~~treatment center that sells or purchases a dispensing facility~~
561 ~~slot must notify the department within 3 days of sale.~~

562 ~~d. This subparagraph shall expire on April 1, 2020.~~

563
564 ~~If this subparagraph or its application to any person or~~
565 ~~circumstance is held invalid, the invalidity does not affect~~
566 ~~other provisions or applications of this act which can be given~~
567 ~~effect without the invalid provision or application, and to this~~
568 ~~end, the provisions of this subparagraph are severable.~~

569 ~~(b) An applicant for licensure as a medical marijuana~~
570 ~~treatment center shall apply to the department on a form~~
571 ~~prescribed by the department and adopted in rule. The department~~
572 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
573 ~~establishing a procedure for the issuance and biennial renewal~~
574 ~~of licenses, including initial application and biennial renewal~~
575 ~~fees sufficient to cover the costs of implementing and~~

576 ~~administering this section, and establishing supplemental~~
577 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
578 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
579 ~~department shall identify applicants with strong diversity plans~~
580 ~~reflecting this state's commitment to diversity and implement~~
581 ~~training programs and other educational programs to enable~~
582 ~~minority persons and minority business enterprises, as defined~~
583 ~~in s. 288.703, and veteran business enterprises, as defined in~~
584 ~~s. 295.187, to compete for medical marijuana treatment center~~
585 ~~licensure and contracts. Subject to the requirements in~~
586 ~~subparagraphs (a)2.-4., the department shall issue a license to~~
587 ~~an applicant if the applicant meets the requirements of this~~
588 ~~section and pays the initial application fee. The department~~
589 ~~shall renew the licensure of a medical marijuana treatment~~
590 ~~center biennially if the licensee meets the requirements of this~~
591 ~~section and pays the biennial renewal fee. An individual may not~~
592 ~~be an applicant, owner, officer, board member, or manager on~~
593 ~~more than one application for licensure as a medical marijuana~~
594 ~~treatment center. An individual or entity may not be awarded~~
595 ~~more than one license as a medical marijuana treatment center.~~
596 ~~An applicant for licensure as a medical marijuana treatment~~
597 ~~center must demonstrate:~~

598 ~~1. That, for the 5 consecutive years before submitting the~~
599 ~~application, the applicant has been registered to do business in~~
600 ~~the state.~~

601 ~~2. Possession of a valid certificate of registration~~
 602 ~~issued by the Department of Agriculture and Consumer Services~~
 603 ~~pursuant to s. 581.131.~~

604 ~~3. The technical and technological ability to cultivate~~
 605 ~~and produce marijuana, including, but not limited to, low-THC~~
 606 ~~cannabis.~~

607 ~~4. The ability to secure the premises, resources, and~~
 608 ~~personnel necessary to operate as a medical marijuana treatment~~
 609 ~~center.~~

610 ~~5. The ability to maintain accountability of all raw~~
 611 ~~materials, finished products, and any byproducts to prevent~~
 612 ~~diversion or unlawful access to or possession of these~~
 613 ~~substances.~~

614 ~~6. An infrastructure reasonably located to dispense~~
 615 ~~marijuana to registered qualified patients statewide or~~
 616 ~~regionally as determined by the department.~~

617 ~~7. The financial ability to maintain operations for the~~
 618 ~~duration of the 2-year approval cycle, including the provision~~
 619 ~~of certified financial statements to the department.~~

620 ~~a. Upon approval, the applicant must post a \$5 million~~
 621 ~~performance bond issued by an authorized surety insurance~~
 622 ~~company rated in one of the three highest rating categories by a~~
 623 ~~nationally recognized rating service. However, a medical~~
 624 ~~marijuana treatment center serving at least 1,000 qualified~~
 625 ~~patients is only required to maintain a \$2 million performance~~

626 ~~bond.~~

627 ~~b. In lieu of the performance bond required under sub-~~
628 ~~subparagraph a., the applicant may provide an irrevocable letter~~
629 ~~of credit payable to the department or provide cash to the~~
630 ~~department. If provided with cash under this sub-subparagraph,~~
631 ~~the department shall deposit the cash in the Grants and~~
632 ~~Donations Trust Fund within the Department of Health, subject to~~
633 ~~the same conditions as the bond regarding requirements for the~~
634 ~~applicant to forfeit ownership of the funds. If the funds~~
635 ~~deposited under this sub-subparagraph generate interest, the~~
636 ~~amount of that interest shall be used by the department for the~~
637 ~~administration of this section.~~

638 ~~8. That all owners, officers, board members, and managers~~
639 ~~have passed a background screening pursuant to subsection (9).~~

640 ~~9. The employment of a medical director to supervise the~~
641 ~~activities of the medical marijuana treatment center.~~

642 ~~10. A diversity plan that promotes and ensures the~~
643 ~~involvement of minority persons and minority business~~
644 ~~enterprises, as defined in s. 288.703, or veteran business~~
645 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
646 ~~and employment. An applicant for licensure renewal must show the~~
647 ~~effectiveness of the diversity plan by including the following~~
648 ~~with his or her application for renewal:~~

649 ~~a. Representation of minority persons and veterans in the~~
650 ~~medical marijuana treatment center's workforce;~~

651 ~~b. Efforts to recruit minority persons and veterans for~~
652 ~~employment; and~~

653 ~~e. A record of contracts for services with minority~~
654 ~~business enterprises and veteran business enterprises.~~

655 ~~(c) A medical marijuana treatment center may not make a~~
656 ~~wholesale purchase of marijuana from, or a distribution of~~
657 ~~marijuana to, another medical marijuana treatment center, unless~~
658 ~~the medical marijuana treatment center seeking to make a~~
659 ~~wholesale purchase of marijuana submits proof of harvest failure~~
660 ~~to the department.~~

661 (a)(d) Department responsibilities.—The department shall
662 do all of the following:

663 1. Adopt by rule all of the following:

664 a. Operating standards for the cultivation, processing,
665 packaging, and labeling of marijuana.

666 b. Standards for the sale of marijuana.

667 c. Procedures and requirements for all of the following:

668 (I) The registration and registration renewal of medical
669 marijuana treatment centers (MMTCs).

670 (II) The issuance and renewal of cultivation, processing,
671 retail, and transportation operating licenses.

672 (III) The issuance and renewal of cultivation, processing,
673 dispensing, and storage facility permits and of vehicle permits.

674 (IV) The registration of all principals, employees, and
675 contractors of an MMTC who will participate in the operations of

676 the MMTC.

677 (V) The issuance of MMTC employee identification cards to
678 registered principals, employees, and contractors of MMTCs.

679 2. Establish, maintain, and control a computer software
680 tracking system that traces marijuana from seed to sale and
681 allows real-time, 24-hour access by the department to data from
682 all MMTCs ~~medical marijuana treatment centers~~ and marijuana
683 testing laboratories. The tracking system must allow for
684 integration of other seed-to-sale systems and, at a minimum,
685 include notification of when marijuana seeds are planted, when
686 marijuana plants are harvested and destroyed, and when marijuana
687 is transported, sold, stolen, diverted, or lost. Each MMTC must
688 ~~medical marijuana treatment center shall~~ use the seed-to-sale
689 tracking system established by the department or integrate its
690 own seed-to-sale tracking system with the seed-to-sale tracking
691 system established by the department. Each MMTC ~~medical~~
692 ~~marijuana treatment center~~ may use its own seed-to-sale system
693 until the department establishes a seed-to-sale tracking system.
694 The department may contract with a vendor to establish the seed-
695 to-sale tracking system. The vendor selected by the department
696 may not have a contractual relationship with the department to
697 perform any services pursuant to this section other than the
698 seed-to-sale tracking system. The vendor may not have a direct
699 or indirect financial interest in an MMTC ~~a medical marijuana~~
700 ~~treatment center~~ or a marijuana testing laboratory.

701 (b) Registration.—
 702 1. The department shall adopt by rule an MMTC registration
 703 form that must require at least all of the following:
 704 a. The applicant's full legal name.
 705 b. The physical address of each location where the
 706 applicant will apply for a facility permit to cultivate,
 707 process, dispense, or store marijuana.
 708 c. The name, address, and date of birth of the applicant's
 709 principals.
 710 d. The name, address, and date of birth of the applicant's
 711 current employees and contractors who will participate in the
 712 operations of the MMTC.
 713 e. The operation or operations in which the applicant
 714 intends to engage, which may include one or more of the
 715 following:
 716 (I) Cultivation.
 717 (II) Processing.
 718 (III) Retail sales.
 719 (IV) Transportation.
 720 2. To be registered as an MMTC, an applicant must submit
 721 all of the following to the department:
 722 a. The applicant's completed registration form.
 723 b. Personnel registration application forms, as described
 724 in subsection (9), for all principals, employees, and
 725 contractors listed on the applicant's registration form who will

726 participate in the operations of the MMTC. The department may
727 not register the applicant as an MMTC until all principals,
728 employees, and contractors listed on the applicant's
729 registration form have registered with the department and are
730 issued MMTC employee identification cards.

731 c. Proof that all principals listed on the applicant's
732 registration form who will not participate in the operations of
733 the MMTC have passed a level 2 background screening pursuant to
734 chapter 435 within the previous year.

735 d. Proof that the MMTC has the capability to comply with
736 seed-to-sale tracking system requirements.

737 e. Proof of the applicant's financial ability to maintain
738 operations for the duration of the registration.

739 f. A \$500,000 performance and compliance bond, or a \$1
740 million performance and compliance bond if the MMTC intends to
741 cultivate or process marijuana, which will be forfeited if the
742 MMTC fails to comply with:

743 (I) Registration requirements in this subsection during
744 the registration period; or

745 (II) Material requirements of this section which are
746 applicable to the functions the applicant intends to perform, as
747 indicated on the registration form.

748 3. A registration expires 2 years after the date it is
749 issued.

750 4. In addition to obtaining registration pursuant to this

751 paragraph, an MMTC must obtain an operating license for each
752 operation it will perform as provided in paragraph (c),
753 paragraph (d), or paragraph (f), as applicable.

754 (c) Cultivation licenses and processing licenses.—

755 1. A registered MMTC may apply for a cultivation license
756 or a processing license. When applying, the MMTC shall provide
757 the department with at least all of the following:

758 a. A completed cultivation license or processing license
759 application form.

760 b. The physical address of each location where marijuana
761 will be cultivated, processed, or stored.

762 c. As applicable to the requested license or licenses:

763 (I) Proof of an established infrastructure, or the ability
764 to establish an infrastructure in a reasonable amount of time,
765 which is designed for cultivation, processing, testing,
766 packaging, and labeling marijuana; maintaining the
767 infrastructure's security; and preventing the theft or diversion
768 of any marijuana.

769 (II) Proof that the applicant possesses the technical and
770 technological ability to cultivate and test or process and test
771 marijuana.

772 d. Proof of operating procedures designed to secure and
773 maintain accountability for all marijuana and marijuana-related
774 byproducts that come into the applicant's possession, and to
775 comply with the required seed-to-sale tracking system.

776 2. Cultivation licenses and processing licenses expire 2
777 years after the date they are issued. To renew a license, the
778 licensee must meet all of the requirements for initial
779 licensure; must provide all of the documentation required under
780 subparagraph 1.; and must not have any uncorrected substantial
781 violations of the standards adopted by department rule for the
782 cultivation, processing, testing, packaging, and labeling of
783 marijuana.

784 3. Before beginning cultivation or processing at any
785 location, the licensee must obtain a facility permit from the
786 department for that location pursuant to paragraph (g).

787 4. Licensees under this subsection may use contractors to
788 assist with the cultivation or processing of marijuana, as
789 applicable, but the licensee is ultimately responsible for all
790 of the operations performed by each contractor relating to the
791 cultivation or processing of marijuana and is responsible for
792 maintaining physical possession of the marijuana at all times.
793 All work done by a contractor must be performed at a location
794 that has a facility permit issued by the department. A licensee
795 using a contractor must register any principal or employee of a
796 contractor who will be participating in the operations of the
797 licensee as provided in subsection (9). Such principal or
798 employee may not begin participating in the operations of the
799 licensee until he or she has received an MMTC employee
800 identification card from the department.

801 5. All marijuana byproducts that cannot be processed or
802 reprocessed must be destroyed by the cultivation licensee or the
803 processing licensee or their respective contractors within 30
804 days after the production of the byproducts.

805 6. Licensees under this subsection may wholesale marijuana
806 only to other registered MMTCs. Before wholesaling marijuana,
807 the wholesaling MMTC shall provide the purchasing MMTC with
808 documentation showing that the marijuana meets the testing,
809 packaging, and labeling requirements of this section. The
810 purchasing MMTC shall review such documentation to determine
811 that the marijuana is in compliance with this section before
812 taking possession of the marijuana.

813 7. Transportation or delivery of marijuana outside of the
814 property owned by a licensee under this subsection may be
815 performed only by an MMTC that holds a transportation license
816 issued pursuant to paragraph (f).

817 ~~(c) A licensed medical marijuana treatment center shall~~
818 ~~cultivate, process, transport, and dispense marijuana for~~
819 ~~medical use. A licensed medical marijuana treatment center may~~
820 ~~not contract for services directly related to the cultivation,~~
821 ~~processing, and dispensing of marijuana or marijuana delivery~~
822 ~~devices, except that a medical marijuana treatment center~~
823 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
824 ~~single entity for the cultivation, processing, transporting, and~~
825 ~~dispensing of marijuana and marijuana delivery devices. A~~

826 ~~licensed medical marijuana treatment center must, at all times,~~
827 ~~maintain compliance with the criteria demonstrated and~~
828 ~~representations made in the initial application and the criteria~~
829 ~~established in this subsection. Upon request, the department may~~
830 ~~grant a medical marijuana treatment center a variance from the~~
831 ~~representations made in the initial application. Consideration~~
832 ~~of such a request shall be based upon the individual facts and~~
833 ~~circumstances surrounding the request. A variance may not be~~
834 ~~granted unless the requesting medical marijuana treatment center~~
835 ~~can demonstrate to the department that it has a proposed~~
836 ~~alternative to the specific representation made in its~~
837 ~~application which fulfills the same or a similar purpose as the~~
838 ~~specific representation in a way that the department can~~
839 ~~reasonably determine will not be a lower standard than the~~
840 ~~specific representation in the application. A variance may not~~
841 ~~be granted from the requirements in subparagraph 2. and~~
842 ~~subparagraphs (b)1. and 2.~~

843 ~~1. A licensed medical marijuana treatment center may~~
844 ~~transfer ownership to an individual or entity who meets the~~
845 ~~requirements of this section. A publicly traded corporation or~~
846 ~~publicly traded company that meets the requirements of this~~
847 ~~section is not precluded from ownership of a medical marijuana~~
848 ~~treatment center. To accommodate a change in ownership:~~

849 ~~a. The licensed medical marijuana treatment center shall~~
850 ~~notify the department in writing at least 60 days before the~~

851 ~~anticipated date of the change of ownership.~~

852 ~~b. The individual or entity applying for initial licensure~~
853 ~~due to a change of ownership must submit an application that~~
854 ~~must be received by the department at least 60 days before the~~
855 ~~date of change of ownership.~~

856 ~~e. Upon receipt of an application for a license, the~~
857 ~~department shall examine the application and, within 30 days~~
858 ~~after receipt, notify the applicant in writing of any apparent~~
859 ~~errors or omissions and request any additional information~~
860 ~~required.~~

861 ~~d. Requested information omitted from an application for~~
862 ~~licensure must be filed with the department within 21 days after~~
863 ~~the department's request for omitted information or the~~
864 ~~application shall be deemed incomplete and shall be withdrawn~~
865 ~~from further consideration and the fees shall be forfeited.~~

866
867 ~~Within 30 days after the receipt of a complete application, the~~
868 ~~department shall approve or deny the application.~~

869 ~~2. A medical marijuana treatment center, and any~~
870 ~~individual or entity who directly or indirectly owns, controls,~~
871 ~~or holds with power to vote 5 percent or more of the voting~~
872 ~~shares of a medical marijuana treatment center, may not acquire~~
873 ~~direct or indirect ownership or control of any voting shares or~~
874 ~~other form of ownership of any other medical marijuana treatment~~
875 ~~center.~~

876 ~~3. A medical marijuana treatment center may not enter into~~
 877 ~~any form of profit-sharing arrangement with the property owner~~
 878 ~~or lessor of any of its facilities where cultivation,~~
 879 ~~processing, storing, or dispensing of marijuana and marijuana~~
 880 ~~delivery devices occurs.~~

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

884 ~~5. Each medical marijuana treatment center must adopt and~~
 885 ~~enforce policies and procedures to ensure employees and~~
 886 ~~volunteers receive training on the legal requirements to~~
 887 ~~dispense marijuana to qualified patients.~~

888 ~~8.6.~~ When growing marijuana, a licensed cultivation MMTC
 889 ~~medical marijuana treatment center:~~

890 a. May use pesticides determined by the department, after
 891 consultation with the Department of Agriculture and Consumer
 892 Services, to be safely applied to plants intended for human
 893 consumption, but may not use pesticides designated as
 894 restricted-use pesticides pursuant to s. 487.042.

895 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
 896 cultivation facility ~~structure~~ and in a room separate from any
 897 other plant.

898 c. Shall ~~Must~~ inspect seeds and growing plants for plant
 899 pests that endanger or threaten the horticultural and
 900 agricultural interests of the state in accordance with chapter

901 581 and any rules adopted thereunder.

902 d. Shall ~~Must~~ perform fumigation or treatment of plants,
903 or remove and destroy infested or infected plants, in accordance
904 with chapter 581 and any rules adopted thereunder.

905 ~~7. Each medical marijuana treatment center must produce~~
906 ~~and make available for purchase at least one low-THC cannabis~~
907 ~~product.~~

908 9.8. An MMTC ~~A medical marijuana treatment center~~ that
909 produces edibles must hold a permit to operate as a food
910 establishment pursuant to chapter 500, the Florida Food Safety
911 Act, and must comply with all the requirements for food
912 establishments pursuant to chapter 500 and any rules adopted
913 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
914 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
915 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
916 may have a tetrahydrocannabinol potency variance of no greater
917 than 15 percent. Edibles may not be attractive to children; be
918 manufactured in the shape of humans, cartoons, or animals; be
919 manufactured in a form that bears any reasonable resemblance to
920 products available for consumption as commercially available
921 candy; or contain any color additives. To discourage consumption
922 of edibles by children, the department shall determine by rule
923 any shapes, forms, and ingredients allowed and prohibited for
924 edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin
925 processing or dispensing edibles until after the effective date

926 of the rule. The department shall also adopt sanitation rules
927 providing the standards and requirements for the storage,
928 display, or dispensing of edibles.

929 ~~9. Within 12 months after licensure, a medical marijuana~~
930 ~~treatment center must demonstrate to the department that all of~~
931 ~~its processing facilities have passed a Food Safety Good~~
932 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
933 ~~or equivalent, inspection by a nationally accredited certifying~~
934 ~~body. A medical marijuana treatment center must immediately stop~~
935 ~~processing at any facility which fails to pass this inspection~~
936 ~~until it demonstrates to the department that such facility has~~
937 ~~met this requirement.~~

938 ~~10. A medical marijuana treatment center that produces~~
939 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
940 ~~with tobacco or hemp.~~

941 10.11. When processing marijuana, a licensed processing
942 MMTC shall ~~medical marijuana treatment center must:~~

943 a. Process the marijuana within an enclosed permitted
944 processing facility ~~structure~~ and in a room separate from other
945 plants or products.

946 b. Comply with department rules when processing marijuana
947 with hydrocarbon solvents or other solvents or gases exhibiting
948 potential toxicity to humans. The department shall determine by
949 rule the requirements for the ~~medical marijuana treatment~~
950 ~~centers to use~~ of such solvents or gases by MMTCs ~~exhibiting~~

951 ~~potential toxicity to humans.~~

952 c. Comply with federal and state laws and regulations and
953 department rules for solid and liquid wastes. The department
954 shall determine by rule procedures for the storage, handling,
955 transportation, management, and disposal of solid and liquid
956 waste generated during marijuana production and processing. The
957 Department of Environmental Protection shall assist the
958 department in developing such rules.

959 d. Test the processed marijuana using a medical marijuana
960 testing laboratory before it is sold or dispensed. Results must
961 be verified and signed by two MMTC ~~medical-marijuana-treatment~~
962 ~~center~~ employees. Before selling, wholesaling, or dispensing,
963 the MMTC shall ~~medical-marijuana-treatment-center must~~ determine
964 that the test results indicate that low-THC cannabis meets the
965 definition of low-THC cannabis, the concentration of
966 tetrahydrocannabinol meets the potency requirements of this
967 section, the labeling of the concentration of
968 tetrahydrocannabinol and cannabidiol is accurate, and all
969 marijuana is safe for human consumption and free from
970 contaminants that are unsafe for human consumption. The
971 department shall determine by rule which contaminants must be
972 tested for and the maximum levels of each contaminant which are
973 safe for human consumption. The Department of Agriculture and
974 Consumer Services shall assist the department in developing the
975 testing requirements for contaminants that are unsafe for human

976 consumption in edibles. The department shall also determine by
 977 rule the procedures for the treatment of marijuana that fails to
 978 meet the testing requirements of this section, s. 381.988, or
 979 department rule. The department may select a random sample from
 980 edibles available for purchase in a dispensing facility, which
 981 must ~~shall~~ be tested by the department to determine that the
 982 edible meets the potency requirements of this section and,~~7~~ is
 983 safe for human consumption,~~7~~ and that the labeling of the
 984 tetrahydrocannabinol and cannabidiol concentration is accurate.
 985 An MMTC ~~A medical marijuana treatment center~~ may not require
 986 payment from the department for the sample. An MMTC shall ~~A~~
 987 ~~medical marijuana treatment center~~ must recall edibles,
 988 including all edibles made from the same batch of marijuana,
 989 which fail to meet the potency requirements of this section,
 990 which are unsafe for human consumption, or for which the
 991 labeling of the tetrahydrocannabinol and cannabidiol
 992 concentration is inaccurate. An MMTC shall ~~The medical marijuana~~
 993 ~~treatment center~~ must retain records of all testing and samples
 994 of each homogenous batch of marijuana for at least 9 months. An
 995 MMTC shall ~~The medical marijuana treatment center~~ must contract
 996 with a marijuana testing laboratory to perform audits on the
 997 MMTC's ~~medical marijuana treatment center's~~ standard operating
 998 procedures, testing records, and samples and provide the results
 999 to the department to confirm that the marijuana or low-THC
 1000 cannabis meets the requirements of this section and that the

1001 marijuana or low-THC cannabis is safe for human consumption. An
 1002 MMTC ~~A medical marijuana treatment center~~ shall reserve two
 1003 processed samples from each batch and retain such samples for at
 1004 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
 1005 ~~marijuana treatment center~~ may use a laboratory that has not
 1006 been certified by the department under s. 381.988 until such
 1007 time as at least one laboratory holds the required
 1008 certification, ~~but in no event later than July 1, 2018.~~

1009 e. Package the marijuana in compliance with the United
 1010 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
 1011 1471 et seq.

1012 f. Package the marijuana in a receptacle that has a firmly
 1013 affixed and legible label stating the following information:

1014 (I) That the marijuana or low-THC cannabis meets the
 1015 requirements of sub-subparagraph d.

1016 (II) The name of the MMTC ~~medical marijuana treatment~~
 1017 ~~center~~ from which the marijuana originates.

1018 (III) The batch number and harvest number from which the
 1019 marijuana originates and the date that the marijuana is sold or
 1020 dispensed.

1021 (IV) ~~The name of the physician who issued the physician~~
 1022 ~~certification.~~

1023 ~~(V) The name of the patient.~~

1024 ~~(VI)~~ The product name, if applicable, and dosage form,
 1025 including concentration of tetrahydrocannabinol and cannabidiol.

1026 The product name may not contain wording commonly associated
 1027 with products marketed by or to children.

1028 ~~(V)-(VII)~~ The recommended dose.

1029 ~~(VI)-(VIII)~~ A warning that it is illegal to transfer
 1030 ~~medical~~ marijuana to a another person younger than 21 years of
 1031 age.

1032 ~~(VII)-(IX)~~ A marijuana universal symbol developed by the
 1033 department.

1034 ~~11.12.~~ The MMTC that packages the marijuana ~~medical~~
 1035 ~~marijuana treatment center~~ shall include in each package an a
 1036 ~~patient package~~ insert with information on the specific product
 1037 dispensed related to:

- 1038 a. Clinical pharmacology.
- 1039 b. Indications and use.
- 1040 c. Dosage and administration.
- 1041 d. Dosage forms and strengths.
- 1042 e. Contraindications.
- 1043 f. Warnings and precautions.
- 1044 g. Adverse reactions.

1045 ~~12.13.~~ In addition to the packaging and labeling
 1046 requirements specified in subparagraphs 10. and 11. and 12.,
 1047 marijuana in a form for smoking must be packaged in a sealed
 1048 receptacle with a legible and prominent warning to keep the
 1049 receptacle away from children and a warning that states that
 1050 marijuana smoke contains carcinogens and may negatively affect

1051 health. Such receptacles for marijuana in a form for smoking
1052 must be plain, opaque, and white without depictions of the
1053 product or images other than the MMTC's ~~medical-marijuana~~
1054 ~~treatment-center's~~ department-approved logo and the marijuana
1055 universal symbol.

1056 13.14. The department shall adopt rules to regulate the
1057 types, appearance, and labeling of marijuana delivery devices
1058 dispensed from an MMTC ~~a medical-marijuana treatment-center~~. The
1059 rules must require marijuana delivery devices to have an
1060 appearance consistent with medical use.

1061 14.15. Each edible must ~~shall~~ be individually sealed in
1062 plain, opaque wrapping marked only with the marijuana universal
1063 symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with
1064 the marijuana universal symbol. In addition to the packaging and
1065 labeling requirements in subparagraphs 10. and 11. ~~and 12.~~,
1066 edible receptacles must be plain, opaque, and white without
1067 depictions of the product or images other than the MMTC's
1068 ~~medical-marijuana treatment-center's~~ department-approved logo
1069 and the marijuana universal symbol. The receptacle must also
1070 include a list of all the edible's ingredients, storage
1071 instructions, information on the estimated amount of time for
1072 the edible to take effect, an expiration date, a legible and
1073 prominent warning to keep the receptacle away from children and
1074 pets, and a warning that the edible has not been produced or
1075 inspected pursuant to federal food safety laws.

1076 (d) Retail licenses.—

1077 1. A registered MMTC may apply for a retail license. When
1078 applying, the MMTC must provide the department with at least all
1079 of the following:

1080 a. A completed retail license application form.

1081 b. A statement by the applicant which indicates whether
1082 the applicant intends to dispense by delivery. A retail licensee
1083 may not deliver marijuana without also obtaining a
1084 transportation license pursuant to paragraph (f).

1085 c. The physical address of each location where the
1086 applicant will dispense or store marijuana.

1087 d. Identifying information for all other current or
1088 previous retail licenses held by the applicant or any of the
1089 applicant's principals.

1090 e. Proof of operating procedures designed to secure and
1091 maintain accountability for all marijuana that the applicant
1092 receives and possesses, to ensure that only the allowed amount
1093 of marijuana is sold or dispensed, to ensure that the specified
1094 type of marijuana is correctly dispensed to a qualified patient
1095 or his or her caregiver pursuant to a physician certification,
1096 and to monitor the medical marijuana patient registry and
1097 electronically update the registry with dispensing information.

1098 2. A retail license expires 2 years after the date it is
1099 issued. The retail licensee must apply for license renewal
1100 before the expiration date. To renew a license, a retail

1101 licensee must meet all of the requirements for initial
1102 licensure; must provide all of the documents required under
1103 paragraph (b); and must not have any outstanding substantial
1104 violations of the applicable standards adopted by department
1105 rule.

1106 3. Before beginning to sell, dispense, or store marijuana,
1107 the licensee shall obtain a facility permit from the department
1108 for each location where marijuana will be sold, dispensed, or
1109 stored. If a facility's permit expires or is suspended or
1110 revoked, the MMTC must cease all applicable operations at that
1111 facility until the department inspects the facility and renews
1112 or reinstates the facility's permit.

1113 4. A dispensing facility may not repackage or modify
1114 marijuana that has already been packaged for sale by a
1115 cultivation licensee or processing licensee, unless the
1116 repackaging is of unprocessed marijuana; is done in accordance
1117 with instructions from the cultivator; and is documented in the
1118 required seed-to-sale tracking system.

1119 5. A retail licensee may contract with an MMTC that has a
1120 transportation license to transport marijuana between properties
1121 owned by the retail licensee, to deliver the marijuana for sale
1122 or dispensing, and to pick up returns of marijuana.

1123 6. Onsite consumption or administration of marijuana at a
1124 dispensing facility is prohibited.

1125 7.16. When dispensing marijuana or a marijuana delivery

1126 device, a licensed retail MMTC ~~medical marijuana treatment~~
1127 ~~center~~:

1128 a. May dispense any active, valid order for low-THC
1129 cannabis, medical cannabis and cannabis delivery devices issued
1130 pursuant to former s. 381.986, Florida Statutes 2016, which was
1131 entered into the medical marijuana use registry before July 1,
1132 2017.

1133 b. May not dispense more than one ~~a~~ 70-day supply of
1134 marijuana within any 70-day period to a qualified patient or
1135 caregiver ~~and~~; may not dispense more than one 35-day supply of
1136 marijuana in a form for smoking within any 35-day period to a
1137 qualified patient or caregiver. A 35-day supply of marijuana in
1138 a form for smoking may not exceed 2.5 ounces unless an exception
1139 to this amount is approved by the department pursuant to
1140 paragraph (4) (f).

1141 c. Shall require ~~Must have~~ the MMTC's ~~medical marijuana~~
1142 ~~treatment center's~~ employee who dispenses the marijuana or a
1143 marijuana delivery device to enter into the medical marijuana
1144 use registry his or her name or unique employee identifier.

1145 d. When dispensing to a qualified patient or caregiver,
1146 shall ~~must~~ verify that the qualified patient and, if applicable,
1147 the caregiver, ~~if applicable,~~ each have an active registration
1148 in the medical marijuana use registry and an active and valid
1149 medical marijuana use registry identification card; ~~that~~, the
1150 amount and type of marijuana dispensed matches the physician

1151 certification in the medical marijuana use registry for that
1152 qualified patient;~~7~~ and that the physician certification has not
1153 already been filled.

1154 e. When dispensing to a qualified patient or caregiver,
1155 shall label the marijuana or the marijuana delivery device with
1156 the name of the physician who issued the physician certification
1157 and the name of the patient for whom the certification was
1158 issued before it is dispensed.

1159 f.e. May not dispense marijuana to a qualified patient who
1160 is younger than 18 years of age. If the qualified patient is
1161 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1162 only to the qualified patient's caregiver.

1163 g. May sell marijuana to an adult 21 years of age or older
1164 pursuant to s. 381.990, provided that the MMTC is registered
1165 with the Department of Business and Professional Regulation
1166 pursuant to that section. When selling marijuana pursuant to
1167 that section, the employee selling the marijuana must determine
1168 that the appearance of the buyer is such that a prudent person
1169 would believe the buyer to be 21 years of age or older or must
1170 carefully check the buyer's driver license, identification card
1171 issued by this state or another state of the United States,
1172 passport, or United States Armed Services identification card to
1173 determine the buyer's age. Other than for the purpose of
1174 determining a buyer's age, an MMTC may not request or store any
1175 personal information provided by the buyer.

1176 h.f. May not dispense or sell any ~~other type of cannabis,~~
 1177 alcohol, or illicit drug-related product, ~~including pipes or~~
 1178 ~~wrapping papers made with tobacco or hemp, other than a~~
 1179 ~~marijuana delivery device required for the medical use of~~
 1180 ~~marijuana and which is specified in a physician certification.~~

1181 i.g. ~~Must~~, Upon dispensing the marijuana or marijuana
 1182 delivery device to a qualified patient or caregiver, shall
 1183 record in the registry the date, time, quantity, and form of
 1184 marijuana dispensed; the type of marijuana delivery device
 1185 dispensed; and the name and medical marijuana use registry
 1186 identification number of the qualified patient or caregiver to
 1187 whom the marijuana delivery device was dispensed.

1188 j.h. Shall ~~Must~~ ensure that patient records are not
 1189 visible to anyone other than the qualified patient, his or her
 1190 caregiver, and authorized MMTC ~~medical marijuana treatment~~
 1191 ~~center~~ employees.

1192 (e) (f) Security.—To ensure the safety and security of
 1193 premises where the cultivation, processing, storing, or
 1194 dispensing of marijuana occurs, and to maintain adequate
 1195 controls against the diversion, theft, and loss of marijuana or
 1196 marijuana delivery devices, an MMTC ~~a medical marijuana~~
 1197 ~~treatment center~~ shall do all of the following:

1198 1.a. Maintain a fully operational security alarm system
 1199 that secures all entry points and perimeter windows and is
 1200 equipped with motion detectors; pressure switches; and duress,

1201 | panic, and hold-up alarms.~~;~~ ~~and~~

1202 | b. Maintain a video surveillance system that records
1203 | continuously, 24 hours a day, and meets all of the following
1204 | criteria:

1205 | (I) Cameras are fixed in a place that allows for the clear
1206 | identification of persons and activities in controlled areas of
1207 | the premises. Controlled areas include grow rooms, processing
1208 | rooms, storage rooms, disposal rooms or areas, and point-of-sale
1209 | rooms.

1210 | (II) Cameras are fixed in entrances and exits to the
1211 | premises in a place that allows recording, ~~which shall record~~
1212 | from both indoor and outdoor, or ingress and egress, vantage
1213 | points.

1214 | (III) Produces recorded images that ~~must~~ clearly and
1215 | accurately display the time and date of recording.

1216 | c.~~(IV)~~ Retain video surveillance recordings for at least
1217 | 45 days or longer upon the request of a law enforcement agency.

1218 | 2. Ensure that the MMTC's ~~medical marijuana treatment~~
1219 | ~~center's~~ outdoor premises have sufficient lighting from dusk
1220 | until dawn.

1221 | 3. Ensure that the indoor premises where dispensing occurs
1222 | include ~~includes~~ a waiting area with sufficient space and
1223 | seating to accommodate qualified patients and caregivers and at
1224 | least one private consultation area that is isolated from the
1225 | waiting area and the area where dispensing occurs. An MMTC A

1226 ~~medical marijuana treatment center~~ may not display products or
 1227 dispense marijuana or marijuana delivery devices in the waiting
 1228 area.

1229 4. Cease dispensing ~~Not dispense from its premises~~
 1230 marijuana or a marijuana delivery devices from its premises
 1231 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
 1232 perform all other operations and deliver marijuana to qualified
 1233 patients 24 hours a day.

1234 5. Store marijuana in a secured, locked room or a vault.

1235 6. Require at least two of its employees, or two employees
 1236 of a security agency with whom it contracts, to be on the
 1237 premises ~~at all times~~ where cultivation, processing, or storing
 1238 of marijuana occurs, at all times.

1239 7. Require each employee or contractor to wear a photo
 1240 identification badge at all times while on the premises.

1241 8. Require each visitor to wear a visitor pass at all
 1242 times while on the premises.

1243 9. Implement an alcohol and drug-free workplace policy.

1244 10. Report to a local law enforcement agency within 24
 1245 hours after the MMTC ~~medical marijuana treatment center~~ is
 1246 notified or becomes aware of the theft, diversion, or loss of
 1247 marijuana.

1248 (f) Transportation licenses; vehicle permits.-

1249 1. A registered MMTC may apply for a transportation
 1250 license. When applying, the MMTC shall provide the department

1251 with at least all of the following:

1252 a. The physical address of the MMTC's place of business.

1253 b. Proof that the MMTC has a documentation system in
1254 accordance with the required seed-to-sale tracking system,
1255 including transportation manifests, for transporting marijuana
1256 between licensed facilities and to qualified patients.
1257 Transportation manifests may be electronically stored and
1258 presented.

1259 c. Proof of the MMTC's compliance with health and
1260 sanitation standards for the transportation of marijuana.

1261 d. Proof that all marijuana transported between licensed
1262 facilities will be transported in tamper-evident shipping
1263 containers.

1264 2. An MMTC with a transportation license may not transport
1265 marijuana on the property of an airport, a seaport, a spaceport,
1266 or any property of the Federal Government.

1267 3. An MMTC with a transportation license may transport
1268 marijuana and marijuana delivery devices only in a vehicle that
1269 is owned or leased by the MMTC or the MMTC's contractor and for
1270 which a valid vehicle permit has been issued by the department.

1271 4. An MMTC with a transportation license may obtain a
1272 vehicle permit upon submission of an application. The MMTC must
1273 designate as the driver for each permitted vehicle an employee
1274 or contracted employee who is registered with the department and
1275 who is authorized to possess marijuana when not on the property

1276 of the MMTC. Such designation must be displayed in the vehicle
1277 at all times. Each permitted vehicle must be GPS monitored. A
1278 vehicle permit remains valid and does not expire unless the MMTC
1279 or its contractor disposes of the permitted vehicle or the
1280 MMTC's registration or transportation license is transferred,
1281 canceled, not renewed, or revoked by the department. The
1282 department shall cancel a vehicle permit upon the request of the
1283 MMTC or its contractor.

1284 5. When transporting marijuana, a permitted vehicle is
1285 subject to inspection and search without a search warrant by
1286 authorized employees of the department, sheriffs, deputy
1287 sheriffs, police officers, or other law enforcement officers to
1288 determine that the MMTC is operating in compliance with this
1289 section.

1290 6. An MMTC with a transportation license may deliver, or
1291 contract for the delivery of, marijuana and marijuana delivery
1292 devices to other MMTCs, to qualified patients and caregivers
1293 within this state, and to adults 21 years of age or older within
1294 this state. A county or municipality may not prohibit deliveries
1295 of marijuana and marijuana delivery devices to qualified
1296 patients within the county or municipality. Deliveries may be
1297 made only to the qualified patient who placed the order or his
1298 or her caregiver. When delivering to a qualified patient or
1299 caregiver, an MMTC or its contractor shall verify the identity
1300 of the qualified patient upon placement of the delivery order

1301 and, again, upon delivery. When delivering marijuana to an adult
1302 21 years of age or older, an MMTC or its contractor shall verify
1303 the age of the buyer upon placement of the order and, again,
1304 upon delivery. In order to verify the age of the buyer, the MMTC
1305 must determine that the appearance of the buyer is such that a
1306 prudent person would believe the buyer to be 21 years of age or
1307 older or must carefully check the buyer's driver license,
1308 identification card issued by this state or another state of the
1309 United States, passport, or United States Armed Services
1310 identification card to determine the buyer's age. The department
1311 shall adopt rules specific to the delivery of marijuana which
1312 include both of the following:

1313 a. Procedures for verifying the age and identity of the
1314 person submitting and receiving a delivery, as appropriate,
1315 including required training for delivery personnel.

1316 b. A maximum dispensary value for all marijuana and
1317 currency that may be in the possession of a registered MMTC
1318 employee or contractor while he or she makes a delivery. The
1319 maximum value established by rule may not be less than \$5,000.

1320 7. Licensees under this subsection may use contractors to
1321 assist with the transportation of marijuana, but the licensee is
1322 ultimately responsible for all of the actions and operations of
1323 each contractor relating to the transportation of marijuana and
1324 must know the location of all marijuana at all times. To
1325 participate in the operations of a licensee under this

1326 subsection, a principal or employee of a contractor contracted
 1327 by the licensee must first register with the department and be
 1328 issued an MMTC employee identification card.

1329 (g) Facility permits.—

1330 1. Before cultivating, processing, dispensing, or storing
 1331 marijuana at any location, an MMTC shall apply to the department
 1332 for the applicable facility permit for that facility. The
 1333 department shall adopt by rule an application form. Upon
 1334 receiving a request for a permit from a licensee, the department
 1335 shall inspect the facility for compliance with this section and
 1336 rules adopted hereunder, and, upon a determination of
 1337 compliance, shall issue a permit to the facility. The department
 1338 shall issue or deny a facility permit within 30 days after
 1339 receiving the request for the permit.

1340 2. A facility permit expires 2 years after the date it is
 1341 issued. Each facility must be inspected by the department for
 1342 compliance with this section and department rules before the
 1343 facility's permit is renewed.

1344 3. If a facility permit expires or is suspended or
 1345 revoked, the MMTC must cease all applicable operations at that
 1346 facility until the department inspects the facility and renews
 1347 or reinstates the facility's permit.

1348 4. Cultivation facilities and processing facilities:

1349 a. Shall maintain insurance with at least \$1 million of
 1350 hazard and liability insurance per location; and

1351 b. Must be secure, closed to the public, and, unless an
1352 ordinance allows the facility to be located closer, must be
1353 located at least 1,000 feet away from any existing public or
1354 private elementary or secondary school, a child care facility as
1355 defined in s. 402.302, or a licensed service provider offering
1356 substance abuse services.

1357 5. All matters regarding the permitting and regulation of
1358 cultivation facilities and processing facilities, including the
1359 location of such facilities, are preempted to the state.

1360 6. Dispensing facilities and storage facilities:

1361 a. Shall maintain insurance with at least \$500,000 of
1362 hazard and liability insurance for each facility where marijuana
1363 is dispensed or stored; and

1364 b. Unless an ordinance allows the facility to be located
1365 closer, must be located at least 1,000 feet away from any
1366 existing public or private elementary or secondary school, child
1367 care facility as defined in s. 402.302, or licensed service
1368 provider offering substance abuse services.

1369 7. The governing body of a county or municipality, by
1370 ordinance, may prohibit or limit the number of dispensing
1371 facilities located within its jurisdiction but may not prohibit
1372 an MMTC with a retail license or its permitted storage facility
1373 from being located within its jurisdiction if the licensee is
1374 delivering or contracting to deliver marijuana within that
1375 jurisdiction. The department may not issue a facility permit for

1376 a dispensing facility in a county or municipality in which the
1377 board of county commissioners or other local governing body, as
1378 applicable, has adopted such an ordinance. A county or
1379 municipality may not require, request, or accept financial
1380 contributions or similar benefits from MMTCs, but, in addition
1381 to other taxes authorized by law, a county or municipality may
1382 levy a local business tax on a dispensing facility. An ordinance
1383 adopted by a municipality or county pursuant to this paragraph
1384 may not do any of the following:

1385 a. Provide exclusive access to one or several individuals
1386 or entities to operate dispensing facilities within the
1387 jurisdiction.

1388 b. Prohibit specific individuals or entities from
1389 operating a dispensing facility within the jurisdiction if the
1390 ordinance allows dispensing facilities to operate in the
1391 jurisdiction.

1392 c. Prohibit the delivery of marijuana within the
1393 jurisdiction by a properly licensed MMTC located within the
1394 jurisdiction.

1395 8. The department may adopt by rule additional
1396 requirements for the permitting of cultivation, processing,
1397 dispensing, and storage facilities to ensure the sanitary, safe,
1398 and secure cultivation, processing, dispensing, storage, and
1399 sale of marijuana.

1400 ~~To ensure the safe transport of marijuana and marijuana~~

1401 ~~delivery devices to medical marijuana treatment centers,~~
 1402 ~~marijuana testing laboratories, or qualified patients, a medical~~
 1403 ~~marijuana treatment center must:~~

1404 ~~1. Maintain a marijuana transportation manifest in any~~
 1405 ~~vehicle transporting marijuana. The marijuana transportation~~
 1406 ~~manifest must be generated from a medical marijuana treatment~~
 1407 ~~center's seed-to-sale tracking system and include the:~~

1408 ~~a. Departure date and approximate time of departure.~~

1409 ~~b. Name, location address, and license number of the~~
 1410 ~~originating medical marijuana treatment center.~~

1411 ~~c. Name and address of the recipient of the delivery.~~

1412 ~~d. Quantity and form of any marijuana or marijuana~~
 1413 ~~delivery device being transported.~~

1414 ~~e. Arrival date and estimated time of arrival.~~

1415 ~~f. Delivery vehicle make and model and license plate~~
 1416 ~~number.~~

1417 ~~g. Name and signature of the medical marijuana treatment~~
 1418 ~~center employees delivering the product.~~

1419 ~~(I) A copy of the marijuana transportation manifest must~~
 1420 ~~be provided to each individual, medical marijuana treatment~~
 1421 ~~center, or marijuana testing laboratory that receives a~~
 1422 ~~delivery. The individual, or a representative of the center or~~
 1423 ~~laboratory, must sign a copy of the marijuana transportation~~
 1424 ~~manifest acknowledging receipt.~~

1425 ~~(II) An individual transporting marijuana or a marijuana~~

1426 ~~delivery device must present a copy of the relevant marijuana~~
 1427 ~~transportation manifest and his or her employee identification~~
 1428 ~~card to a law enforcement officer upon request.~~

1429 ~~(III) Medical marijuana treatment centers and marijuana~~
 1430 ~~testing laboratories must retain copies of all marijuana~~
 1431 ~~transportation manifests for at least 3 years.~~

1432 ~~2. Ensure only vehicles in good working order are used to~~
 1433 ~~transport marijuana.~~

1434 ~~3. Lock marijuana and marijuana delivery devices in a~~
 1435 ~~separate compartment or container within the vehicle.~~

1436 ~~4. Require employees to have possession of their employee~~
 1437 ~~identification card at all times when transporting marijuana or~~
 1438 ~~marijuana delivery devices.~~

1439 ~~5. Require at least two persons to be in a vehicle~~
 1440 ~~transporting marijuana or marijuana delivery devices, and~~
 1441 ~~require at least one person to remain in the vehicle while the~~
 1442 ~~marijuana or marijuana delivery device is being delivered.~~

1443 ~~6. Provide specific safety and security training to~~
 1444 ~~employees transporting or delivering marijuana and marijuana~~
 1445 ~~delivery devices.~~

1446 (h) Advertising.—~~An MMTC~~ A medical marijuana treatment
 1447 ~~center~~ may not engage in advertising that is visible to members
 1448 of the public from any street, sidewalk, park, or other public
 1449 place, except:

1450 1. An MMTC dispensing facility ~~The dispensing location of~~

1451 ~~A medical marijuana treatment center~~ may have a sign that is
1452 affixed to the outside or hanging in the window of the premises
1453 which identifies the dispensing facility ~~dispensary~~ by the
1454 licensee's business name, a department-approved trade name, or a
1455 department-approved logo. An MMTC's ~~A medical marijuana~~
1456 ~~treatment center's~~ trade name and logo may not contain wording
1457 or images commonly associated with marketing targeted toward
1458 children ~~or which promote recreational use of marijuana.~~

1459 2. An MMTC ~~A medical marijuana treatment center~~ may engage
1460 in Internet advertising and marketing under the following
1461 conditions:

1462 a. All advertisements must be approved by the department.

1463 b. An advertisement may not have any content that
1464 specifically targets individuals under the age of 18, including
1465 cartoon characters or similar images.

1466 c. An advertisement may not be an unsolicited pop-up
1467 advertisement.

1468 d. Opt-in marketing must include an easy and permanent
1469 opt-out feature.

1470 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1471 ~~marijuana treatment center~~ that dispenses marijuana and
1472 marijuana delivery devices shall make available to the public on
1473 its website:

1474 1. Each marijuana and low-THC product available for
1475 purchase, including the form, strain of marijuana from which it

1476 was extracted, cannabidiol content, tetrahydrocannabinol
1477 content, dose unit, total number of doses available, and the
1478 ratio of cannabidiol to tetrahydrocannabinol for each product.

1479 2. The price for a 30-day, 50-day, and 70-day supply at a
1480 standard dose for each marijuana and low-THC product available
1481 for purchase.

1482 3. The price for each marijuana delivery device available
1483 for purchase.

1484 4. If applicable, any discount policies and eligibility
1485 criteria for such discounts.

1486 (j) Sourcing of marijuana for medical use.—~~MMTCs Medical~~
1487 ~~marijuana treatment centers~~ are the sole source from which a
1488 person ~~qualified patient~~ may legally obtain marijuana.

1489 (k) Rulemaking.—The department may adopt rules pursuant to
1490 ss. 120.536(1) and 120.54 to implement this subsection.

1491 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1492 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1493 (a) The department shall adopt rules to administer the
1494 registration of medical marijuana treatment center (MMTC)
1495 principals, employees, and contractors who participate in the
1496 operations of an MMTC. Before hiring or contracting with any
1497 individual who is not registered with the department or who does
1498 not possess a current MMTC employee identification card, an MMTC
1499 must apply to the department to register that person as an MMTC
1500 employee. The department shall adopt by rule a form for such

1501 applications for registration, which must require the applicant
1502 to provide all of the following:

1503 1. His or her full legal name, social security number,
1504 date of birth, and home address.

1505 2. A full-face, passport-type, color photograph of the
1506 applicant taken within the 90 days immediately preceding
1507 submission of the application.

1508 3. Proof that he or she has passed a level 2 background
1509 screening pursuant to chapter 435 within the previous year.

1510 4. An indication as to whether the applicant will be
1511 authorized by the MMTC to possess marijuana while not on MMTC
1512 property.

1513 (b) Once the department has received a completed
1514 application form from an MMTC, the department shall register the
1515 principal, employee, or contractor associated with the MMTC and
1516 issue him or her an MMTC employee identification card that, at a
1517 minimum, includes all of the following:

1518 1. The employee's name and the name of the MMTC that
1519 employs him or her.

1520 2. The employee's photograph, as required under paragraph
1521 (a).

1522 3. The expiration date of the card, which must be 1 year
1523 after the date it is issued.

1524 4. An indication of whether the employee is authorized by
1525 the MMTC to possess marijuana while not on MMTC property.

1526 (c) If any information provided to the department for the
1527 registration of an MMTC principal, employee, or contractor or in
1528 the application for an MMTC employee identification card changes
1529 or if the registered person's employment status with the MMTC
1530 changes, the registered person and the MMTC must provide the
1531 department with the new information or status within 7 days
1532 after the change.

1533 (d) The department may contract with one or more vendors
1534 for the purpose of issuing MMTC employee identification cards
1535 under this subsection.

1536 ~~BACKGROUND SCREENING. An individual required to undergo a~~
1537 ~~background screening pursuant to this section must pass a level~~
1538 ~~2 background screening as provided under chapter 435, which, in~~
1539 ~~addition to the disqualifying offenses provided in s. 435.04,~~
1540 ~~shall exclude an individual who has an arrest awaiting final~~
1541 ~~disposition for, has been found guilty of, regardless of~~
1542 ~~adjudication, or has entered a plea of nolo contendere or guilty~~
1543 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~
1544 ~~similar law of another jurisdiction.~~

1545 ~~(a) Such individual must submit a full set of fingerprints~~
1546 ~~to the department or to a vendor, entity, or agency authorized~~
1547 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
1548 ~~shall forward the fingerprints to the Department of Law~~
1549 ~~Enforcement for state processing, and the Department of Law~~
1550 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~

1551 ~~of Investigation for national processing.~~

1552 ~~(b) Fees for state and federal fingerprint processing and~~
1553 ~~retention shall be borne by the individual. The state cost for~~
1554 ~~fingerprint processing shall be as provided in s. 943.053(3) (c)~~
1555 ~~for records provided to persons or entities other than those~~
1556 ~~specified as exceptions therein.~~

1557 ~~(c) Fingerprints submitted to the Department of Law~~
1558 ~~Enforcement pursuant to this subsection shall be retained by the~~
1559 ~~Department of Law Enforcement as provided in s. 943.05(2) (g) and~~
1560 ~~(h) and, when the Department of Law Enforcement begins~~
1561 ~~participation in the program, enrolled in the Federal Bureau of~~
1562 ~~Investigation's national retained print arrest notification~~
1563 ~~program. Any arrest record identified shall be reported to the~~
1564 ~~department.~~

1565 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1566 ADMINISTRATIVE ACTIONS.—

1567 (a) ~~The department shall conduct announced or unannounced~~
1568 ~~inspections of medical marijuana treatment centers to determine~~
1569 ~~compliance with this section or rules adopted pursuant to this~~
1570 ~~section.~~

1571 ~~(b) The department shall inspect a medical marijuana~~
1572 ~~treatment center~~ Upon receiving a complaint or notice that a ~~the~~
1573 ~~medical marijuana treatment center~~ (MMTC) has dispensed
1574 ~~marijuana containing mold, bacteria, or another~~ other
1575 ~~contaminant that may cause or has caused an adverse effect to~~

1576 human health or the environment, the department shall inspect
 1577 the MMTC, its facilities, and, as appropriate, any cultivation
 1578 or processing facility of the MMTC from which the batch of
 1579 marijuana was purchased.

1580 (b)(e) The department shall conduct at least a biennial
 1581 inspection of each MMTC ~~medical marijuana treatment center~~ to
 1582 evaluate its ~~the medical marijuana treatment center's~~ records,
 1583 personnel, equipment, processes, security measures, sanitation
 1584 practices, and quality assurance practices.

1585 (c) The department shall conduct at least a biennial
 1586 inspection of each permitted facility. The department may
 1587 conduct additional announced or unannounced inspections of a
 1588 permitted facility within reasonable hours in order to ensure
 1589 compliance with this section and rules adopted hereunder.

1590 (d) The Department of Agriculture and Consumer Services
 1591 and the department shall enter into an interagency agreement to
 1592 ensure cooperation and coordination in the performance of their
 1593 obligations under this section and their respective regulatory
 1594 and authorizing laws. The department, the Department of Highway
 1595 Safety and Motor Vehicles, and the Department of Law Enforcement
 1596 may enter into interagency agreements for the purposes specified
 1597 in this subsection or subsection (7).

1598 (e) The department shall publish a list of all approved
 1599 MMTCs ~~medical marijuana treatment centers~~, medical directors,
 1600 and qualified physicians on its website.

- 1601 (f) The department may impose administrative penalties,
1602 including reasonable fines not to exceed \$10,000, on an MMTC a
1603 ~~medical marijuana treatment center~~ for any of the following
1604 violations:
- 1605 1. Violating this section or department rule.
 - 1606 2. Failing to maintain qualifications for approval.
 - 1607 3. Endangering the health, safety, or security of a
1608 qualified patient or an adult purchasing marijuana pursuant to
1609 s. 381.990.
 - 1610 4. Improperly disclosing personal and confidential
1611 information of the qualified patient.
 - 1612 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1613 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1614 extortion.
 - 1615 6. Being convicted or found guilty of, or entering a plea
1616 of guilty or nolo contendere to, regardless of adjudication, a
1617 crime in any jurisdiction which directly relates to the business
1618 of an MMTC a ~~medical marijuana treatment center~~.
 - 1619 7. Making or filing a report or record that the MMTC
1620 ~~medical marijuana treatment center~~ knows to be false.
 - 1621 8. Willfully failing to maintain a record required by this
1622 section or department rule.
 - 1623 9. Willfully impeding or obstructing an employee or agent
1624 of the department in the furtherance of his or her official
1625 duties.

1626 10. Engaging in fraud or deceit, negligence, incompetence,
 1627 or misconduct in the business practices of an MMTC ~~a medical~~
 1628 ~~marijuana treatment center~~.

1629 11. Making misleading, deceptive, or fraudulent
 1630 representations in or related to the business practices of an
 1631 MMTC ~~a medical marijuana treatment center~~.

1632 12. Having a license or the authority to engage in any
 1633 regulated profession, occupation, or business that is related to
 1634 the business practices of an MMTC ~~a medical marijuana treatment~~
 1635 ~~center~~ suspended, revoked, or otherwise acted against by the
 1636 licensing authority of any jurisdiction, including its agencies
 1637 or subdivisions, for a violation that would constitute a
 1638 violation under Florida law.

1639 13. Violating a lawful order of the department or an
 1640 agency of the state, or failing to comply with a lawfully issued
 1641 subpoena of the department or an agency of the state.

1642 14. Failing to adequately determine the age of a buyer who
 1643 is not a qualified patient or caregiver.

1644 (g) The department may suspend, revoke, or refuse to renew
 1645 an MMTC's registration, operating licenses, and any vehicle
 1646 permits or facility permits ~~a medical marijuana treatment center~~
 1647 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits
 1648 any of the violations specified in paragraph (f).

1649 (h) The department shall refuse to renew the cultivation,
 1650 processing, retail, or transportation license of an MMTC that

1651 has been issued such a license and has not begun to cultivate,
 1652 process, dispense, or transport marijuana, as applicable, by the
 1653 date that the MMTC is required to renew such license.

1654 (i)~~(h)~~ The department may adopt rules pursuant to ss.
 1655 120.536(1) and 120.54 to implement this subsection.

1656 (11) PREEMPTION.—Regulation of cultivation, processing,
 1657 and delivery of marijuana by medical marijuana treatment centers
 1658 (MMTCs) is preempted to the state except as provided in this
 1659 subsection.

1660 (a) An MMTC ~~A medical marijuana treatment center~~
 1661 cultivating or processing facility may not be located within 500
 1662 feet of the real property that comprises a public or private
 1663 elementary school, middle school, or secondary school.

1664 (b)1. A county or municipality may, by ordinance, ban MMTC
 1665 ~~medical marijuana treatment center~~ dispensing facilities from
 1666 being located within the boundaries of that county or
 1667 municipality. A county or municipality that does not ban
 1668 dispensing facilities under this subparagraph may not place
 1669 specific limits, by ordinance, on the number of dispensing
 1670 facilities that may locate within that county or municipality.

1671 2. A municipality may determine by ordinance the criteria
 1672 for the location of, and other permitting requirements that do
 1673 not conflict with state law or department rule for, MMTC ~~medical~~
 1674 ~~marijuana treatment center~~ dispensing facilities located within
 1675 the boundaries of that municipality. A county may determine by

1676 ordinance the criteria for the location of, and other permitting
1677 requirements that do not conflict with state law or department
1678 rule for, all such dispensing facilities located within the
1679 unincorporated areas of that county. Except as provided in
1680 paragraph (c), a county or municipality may not enact ordinances
1681 for permitting or for determining the location of dispensing
1682 facilities which are more restrictive than its ordinances
1683 permitting or determining the locations for pharmacies licensed
1684 under chapter 465. A municipality or county may not charge an
1685 MMTC ~~a medical marijuana treatment center~~ a license or permit
1686 fee in an amount greater than the fee charged by such
1687 municipality or county to pharmacies. A dispensing facility
1688 location approved by a municipality or county pursuant to former
1689 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1690 location requirements of this subsection.

1691 (c) An MMTC ~~A medical marijuana treatment center~~
1692 dispensing facility may not be located within 500 feet of the
1693 real property that comprises a public or private elementary
1694 school, middle school, or secondary school unless the county or
1695 municipality approves the location through a formal proceeding
1696 open to the public at which the county or municipality
1697 determines that the location promotes the public health, safety,
1698 and general welfare of the community.

1699 (d) This subsection does not prohibit any local
1700 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~

1701 ~~center~~ facilities comply with the Florida Building Code, the
1702 Florida Fire Prevention Code, or any local amendments to the
1703 Florida Building Code or the Florida Fire Prevention Code.

1704 (12) PENALTIES.—

1705 (a) A qualified physician commits a misdemeanor of the
1706 first degree, punishable as provided in s. 775.082 or s.
1707 775.083, if he or she ~~the qualified physician~~ issues a physician
1708 certification for the medical use of marijuana for a patient
1709 without a reasonable belief that the patient is suffering from a
1710 qualifying medical condition.

1711 (b) A person who fraudulently represents that he or she
1712 has a qualifying medical condition to a qualified physician for
1713 the purpose of being issued a physician certification commits a
1714 misdemeanor of the first degree, punishable as provided in s.
1715 775.082 or s. 775.083.

1716 (c) 1. A person ~~qualified patient~~ who uses marijuana, not
1717 including low-THC cannabis, or a caregiver who administers
1718 marijuana, not including low-THC cannabis, in plain view of or
1719 in a place open to the general public is subject to a civil fine
1720 not exceeding \$100.

1721 2. A person who uses marijuana, not including low-THC
1722 cannabis, in a school bus, a vehicle, an aircraft, or a boat;
1723 or on the grounds of a school except as provided in s. 1006.062,
1724 commits a misdemeanor of the first degree, punishable as
1725 provided in s. 775.082 or s. 775.083.

1726 (d) A person ~~qualified patient or caregiver~~ who cultivates
 1727 marijuana or who purchases ~~or acquires~~ marijuana from any person
 1728 or entity other than a medical marijuana treatment center (MMTC)
 1729 violates s. 893.13 and is subject to the penalties provided
 1730 therein.

1731 ~~(e)1. A qualified patient or caregiver in possession of~~
 1732 ~~marijuana or a marijuana delivery device who fails or refuses to~~
 1733 ~~present his or her marijuana use registry identification card~~
 1734 ~~upon the request of a law enforcement officer commits a~~
 1735 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1736 ~~775.082 or s. 775.083, unless it can be determined through the~~
 1737 ~~medical marijuana use registry that the person is authorized to~~
 1738 ~~be in possession of that marijuana or marijuana delivery device.~~

1739 2. ~~A person charged with a violation of this paragraph may~~
 1740 ~~not be convicted if, before or at the time of his or her court~~
 1741 ~~or hearing appearance, the person produces in court or to the~~
 1742 ~~clerk of the court in which the charge is pending a medical~~
 1743 ~~marijuana use registry identification card issued to him or her~~
 1744 ~~which is valid at the time of his or her arrest. The clerk of~~
 1745 ~~the court is authorized to dismiss such case at any time before~~
 1746 ~~the defendant's appearance in court. The clerk of the court may~~
 1747 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1748 (e) ~~(f)~~ A caregiver who violates any of the applicable
 1749 provisions of this section or applicable department rules, for
 1750 the first offense, commits a misdemeanor of the second degree,

1751 punishable as provided in s. 775.082 or s. 775.083 and, for a
1752 second or subsequent offense, commits a misdemeanor of the first
1753 degree, punishable as provided in s. 775.082 or s. 775.083.

1754 ~~(f)(g)~~ A qualified physician who issues a physician
1755 certification for marijuana or a marijuana delivery device and
1756 receives compensation from an MMTC ~~a medical marijuana treatment~~
1757 ~~center~~ related to the issuance of a physician certification for
1758 marijuana or a marijuana delivery device is subject to
1759 disciplinary action under the applicable practice act and s.
1760 456.072(1)(n).

1761 ~~(g)(h)~~ A person transporting marijuana or marijuana
1762 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1763 ~~treatment center~~ or marijuana testing laboratory who fails or
1764 refuses to present a transportation manifest, whether in paper
1765 or electronic format, upon the request of a law enforcement
1766 officer commits a misdemeanor of the second degree, punishable
1767 as provided in s. 775.082 or s. 775.083.

1768 ~~(h)(i)~~ Persons and entities conducting activities
1769 authorized and governed by this section and s. 381.988 are
1770 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1771 ~~(i)(j)~~ A person or entity that cultivates, processes,
1772 distributes, sells, or dispenses marijuana, as defined in s.
1773 29(b)(4), Art. X of the State Constitution, and is not licensed
1774 as an MMTC ~~a medical marijuana treatment center~~ violates s.
1775 893.13 and is subject to the penalties provided therein. This

1776 paragraph does not apply to a transfer of marijuana products or
 1777 marijuana which is authorized by this section, s. 381.990, or s.
 1778 893.13.

1779 (j)~~(k)~~ A person who manufactures, distributes, sells,
 1780 gives, or possesses with the intent to manufacture, distribute,
 1781 sell, or give marijuana or a marijuana delivery device that he
 1782 or she holds out to have originated from a licensed MMTC ~~medical~~
 1783 ~~marijuana treatment center~~ but that is counterfeit commits a
 1784 felony of the third degree, punishable as provided in s.
 1785 775.082, s. 775.083, or s. 775.084. For the purposes of this
 1786 paragraph, the term "counterfeit" means marijuana; a marijuana
 1787 delivery device; or a marijuana or marijuana delivery device
 1788 container, seal, or label which, without authorization, bears
 1789 the trademark, trade name, or other identifying mark, imprint,
 1790 or device, or any likeness thereof, of a licensed MMTC ~~medical~~
 1791 ~~marijuana treatment center~~ and which thereby falsely purports or
 1792 is represented to be the product of, or to have been distributed
 1793 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1794 (k)~~(l)~~ Any person who possesses or manufactures a blank,
 1795 forged, stolen, fictitious, fraudulent, counterfeit, or
 1796 otherwise unlawfully issued medical marijuana use registry
 1797 identification card commits a felony of the third degree,
 1798 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1799 (14) EXCEPTIONS TO OTHER LAWS.—

1800 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or

1801 any other ~~provision of~~ law, but subject to the requirements of
1802 this section, a qualified patient and the qualified patient's
1803 caregiver may purchase from a medical marijuana treatment center
1804 (MMTC) for the patient's medical use a marijuana delivery device
1805 and up to the amount of marijuana authorized in the physician
1806 certification, but may not possess more than a 70-day supply of
1807 marijuana, or the greater of 4 ounces of marijuana in a form for
1808 smoking or an amount of marijuana in a form for smoking approved
1809 by the department pursuant to paragraph (4)(f), at any given
1810 time and all marijuana purchased must remain in its original
1811 packaging.

1812 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1813 s. 893.147, or any other ~~provision of~~ law, a qualified patient
1814 and the qualified patient's caregiver may purchase and possess a
1815 marijuana delivery device intended for the medical use of
1816 marijuana by smoking from a vendor other than an MMTC ~~a medical~~
1817 ~~marijuana treatment center~~.

1818 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1819 any other ~~provision of~~ law, but subject to the requirements of
1820 this section, an approved MMTC ~~medical marijuana treatment~~
1821 ~~center~~ and its owners, managers, and employees may manufacture,
1822 possess, sell, deliver, distribute, dispense, and lawfully
1823 dispose of marijuana or a marijuana delivery device as provided
1824 in this section, s. 381.988, s. 381.990, and by department rule.
1825 For the purposes of this subsection, the terms "manufacture,"

1826 "possession," "deliver," "distribute," and "dispense" have the
1827 same meanings as provided in s. 893.02.

1828 (e) A licensed MMTC ~~medical-marijuana-treatment-center~~ and
1829 its owners, managers, and employees are not subject to licensure
1830 or regulation under chapter 465 or chapter 499 for
1831 manufacturing, possessing, selling, delivering, distributing,
1832 dispensing, or lawfully disposing of marijuana or a marijuana
1833 delivery device, as provided in this section, in s. 381.988, and
1834 by department rule.

1835 ~~(17) Rules adopted pursuant to this section before July 1,~~
1836 ~~2020, are not subject to ss. 120.54(3)(b) and 120.541.~~
1837 ~~Notwithstanding paragraph (8)(c), a medical marijuana treatment~~
1838 ~~center may use a laboratory that has not been certified by the~~
1839 ~~department under s. 381.988 until such time as at least one~~
1840 ~~laboratory holds the required certification pursuant to s.~~
1841 ~~381.988, but in no event later than July 1, 2020. This~~
1842 ~~subsection expires July 1, 2020.~~

1843 Section 3. Section 381.990, Florida Statutes, is created
1844 to read:

1845 381.990 Adult use of marijuana.-

1846 (1) A person 21 years of age or older may purchase
1847 marijuana products containing up to 2,000 milligrams of
1848 tetrahydrocannabinol; up to 2.5 ounces of marijuana in a form
1849 for smoking; and one or more marijuana delivery devices, as
1850 defined in s. 381.986, provided that such marijuana products,

1851 marijuana, and marijuana delivery devices are purchased from a
1852 medical marijuana treatment center (MMTC) that is licensed by
1853 the department pursuant to s. 381.986 for the retail sale of
1854 marijuana and is registered by the Department of Business and
1855 Professional Regulation for the sale of marijuana for adult use.
1856 A violation of this subsection is punishable as provided in s.
1857 893.13.

1858 (2) A person who purchases marijuana products, marijuana
1859 in a form for smoking, or marijuana delivery devices in
1860 accordance with subsection (1) may possess, use, transport, and
1861 transfer, without consideration, to a person 21 years of age or
1862 older such products or devices. However, a person may not
1863 possess at any given time marijuana products that contain, in
1864 total, more than 2,000 milligrams of tetrahydrocannabinol or
1865 more than 4.0 ounces of marijuana in a form for smoking. A
1866 violation of this subsection is punishable as provided in s.
1867 893.13.

1868 (3) This section does not limit the ability of a private
1869 property owner to restrict the smoking or vaping of marijuana on
1870 his or her private property; however, a landlord may not prevent
1871 his or her tenants from possessing or using marijuana by other
1872 means.

1873 (4) This section does not exempt a person from prosecution
1874 for a criminal offense related to impairment or intoxication
1875 resulting from the use of marijuana or relieve a person from any

1876 requirement under law to submit to a breath, blood, urine, or
 1877 other test to detect the presence of a controlled substance.

1878 Section 4. Effective July 1, 2020, the Department of
 1879 Agriculture and Consumer Services shall conduct a study on the
 1880 potential harms and benefits of allowing the cultivation of
 1881 marijuana by members of the public for private use, including
 1882 the use of a cooperative model. The department shall report the
 1883 results of the study to the Governor, the President of the
 1884 Senate, and the Speaker of the House of Representatives by
 1885 January 1, 2021.

1886 Section 5. Subsection (3) and paragraphs (a) and (b) of
 1887 subsection (6) of section 893.13, Florida Statutes, are amended
 1888 to read:

1889 893.13 Prohibited acts; penalties.—

1890 (3) (a) A person 21 years of age or older may deliver,
 1891 without consideration, to another person 21 years of age or
 1892 older:

1893 1. Marijuana products that contain a total of 2,000
 1894 milligrams or less of tetrahydrocannabinol; and

1895 2. A quantity of 2.5 ounces or less of cannabis, as
 1896 defined in this chapter.

1897 (b) A person younger than 21 years of age who delivers,
 1898 without consideration, to another person marijuana products that
 1899 contain a total of 2,000 milligrams or less of
 1900 tetrahydrocannabinol or a quantity of 2.5 ounces or less of

1901 cannabis, as defined in this chapter, commits a misdemeanor of
1902 the second degree, punishable as provided in s. 775.082 or s.
1903 775.083, for a first conviction of a violation of this paragraph
1904 and commits a misdemeanor of the first degree, punishable as
1905 provided in s. 775.082 or s. 775.083, for a second or subsequent
1906 conviction of a violation of this paragraph ~~who delivers,~~
1907 ~~without consideration, 20 grams or less of cannabis, as defined~~
1908 ~~in this chapter, commits a misdemeanor of the first degree,~~
1909 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1910 ~~this subsection, the term "cannabis" does not include the resin~~
1911 ~~extracted from the plants of the genus Cannabis or any compound~~
1912 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1913 ~~resin.~~

1914 (6) (a) Except as otherwise provided in this subsection, a
1915 person may not be in actual or constructive possession of a
1916 controlled substance unless such controlled substance was
1917 lawfully obtained from a practitioner or pursuant to a valid
1918 prescription or order of a practitioner while acting in the
1919 course of his or her professional practice or to be in actual or
1920 constructive possession of a controlled substance except as
1921 otherwise authorized by this chapter. A person who violates this
1922 provision commits a felony of the third degree, punishable as
1923 provided in s. 775.082, s. 775.083, or s. 775.084.

1924 (b) 1. A person 21 years of age or older may possess
1925 marijuana products that contain a total of 2,000 milligrams or

1926 less of tetrahydrocannabinol and may possess 4.0 ounces or less
1927 of cannabis, as defined in this chapter ~~If the offense is the~~
1928 ~~possession of 20 grams or less of cannabis, as defined in this~~
1929 ~~chapter, the person commits a misdemeanor of the first degree,~~
1930 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1931 ~~this subsection, the term "cannabis" does not include the resin~~
1932 ~~extracted from the plants of the genus Cannabis, or any compound~~
1933 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1934 ~~resin.~~

1935 2. A person under 21 years of age who possesses marijuana
1936 products that contain a total of 2,000 milligrams or less of
1937 tetrahydrocannabinol or who possesses 4 ounces or less of
1938 cannabis, as defined in this chapter, commits a misdemeanor of
1939 the second degree, punishable as provided in s. 775.082 or s.
1940 775.083, for a first conviction of a violation of this
1941 paragraph, and a misdemeanor of the first degree, punishable as
1942 provided in s. 775.082 or s. 775.083, for a second or subsequent
1943 conviction of a violation of this paragraph.

1944 Section 6. Section 893.1352, Florida Statutes, is created
1945 to read:

1946 893.1352 Retroactive application of s. 893.13.-

1947 (1) It is the intent of the Legislature to retroactively
1948 apply amendments to s. 893.13 to certain persons who were
1949 convicted of possession of cannabis, before January 1, 2021.

1950 (2) As used in this section, a reference to "former s.

1951 893.13, Florida Statutes 2020," is a reference to s. 893.13 as
1952 it existed at any time before January 1, 2021.

1953 (3) (a) A person who was convicted of a violation of former
1954 s. 893.13, Florida Statutes 2020, by possessing 4 ounces or less
1955 of cannabis as defined in chapter 893, but was not sentenced
1956 under that section before January 1, 2021, must be sentenced in
1957 accordance with s. 775.082, s. 775.083, or s. 775.084, for the
1958 degree of offense as provided for in s. 893.13.

1959 (b) A person who was convicted of a violation of former s.
1960 893.13, Florida Statutes 2020, by possessing 4 ounces or less of
1961 cannabis as defined in chapter 893, was sentenced before January
1962 1, 2021, to a term of imprisonment or probation pursuant to
1963 former s. 893.13, Florida Statutes 2020, and who is serving the
1964 term of imprisonment or probation on or after January 1, 2021,
1965 must have an opportunity for a sentence review hearing. If the
1966 person requests a sentence review hearing, he or she must be
1967 resentenced in accordance with paragraph (c).

1968 (c) Resentencing under this section must occur in the
1969 following manner:

1970 1. The Department of Corrections shall notify the person
1971 described in paragraph (b) of his or her eligibility to request
1972 a sentence review hearing.

1973 2. A person seeking sentence review under this section may
1974 submit an application to the court of original jurisdiction
1975 requesting that a sentence review hearing be held. The

1976 sentencing court retains original jurisdiction for the duration
1977 of the sentence for the purpose of this review.

1978 3. A person who is eligible for a sentence review hearing
1979 under this section is entitled to representation by legal
1980 counsel. If the person is indigent and unable to employ counsel,
1981 the court shall appoint counsel under s. 27.52. Determination of
1982 indigence and costs of representation is as provided in ss.
1983 27.52 and 938.29.

1984 4. Upon receipt of a request for a sentence review
1985 hearing, the court of original jurisdiction shall hold such a
1986 hearing to determine if the person meets the criteria for
1987 resentencing under this section. If the court determines by a
1988 preponderance of the evidence that the person is currently
1989 serving a sentence for a violation of former s. 893.13, Florida
1990 Statutes 2020, and that the violation was for possession of
1991 cannabis in the amount of 4 ounces or less, the court shall
1992 resentence the person in accordance with this section. If the
1993 court determines that the person does not meet the criteria for
1994 resentencing under this section, the court must provide written
1995 findings as to why the person does not meet the criteria.

1996 5. If the court finds that the underlying facts of the
1997 person's conviction that is subject to resentencing are
1998 classified as a crime under s. 893.13, the person must be
1999 resentenced to a term that would not exceed the maximum sentence
2000 provided by that section. The person is entitled to receive

2001 credit for his or her time served.

2002 6. If the court finds that the underlying facts of the
2003 person's conviction that is subject to resentencing are not
2004 classified as a crime under s. 893.13, the person must be
2005 resentenced to time served and released from supervision as soon
2006 as reasonably possible.

2007 (4) Notwithstanding any other law, a person who has been
2008 convicted of a crime under former s. 893.13, Florida Statutes
2009 2020, and whose offense would not be classified as a crime under
2010 s. 893.13, must have all fines, fees, and costs related to such
2011 conviction waived.

2012 Section 7. Present subsections (5), (6), and (7) of
2013 section 893.147, Florida Statutes, are redesignated as
2014 subsections (6), (7), and (8), respectively, a new subsection
2015 (5) is added to that section, and subsections (1), (2), and (4)
2016 of that section are amended, to read:

2017 893.147 Use, possession, manufacture, delivery,
2018 transportation, advertisement, or retail sale of drug
2019 paraphernalia, specified machines, and materials.—

2020 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2021 provided in subsection (5), it is unlawful for any person to
2022 use, or to possess with intent to use, drug paraphernalia:

2023 (a) To plant, propagate, cultivate, grow, harvest,
2024 manufacture, compound, convert, produce, process, prepare, test,
2025 analyze, pack, repack, store, contain, or conceal a controlled

2026 substance in violation of this chapter; or

2027 (b) To inject, ingest, inhale, or otherwise introduce into
 2028 the human body a controlled substance in violation of this
 2029 chapter.

2030

2031 Any person who violates this subsection is guilty of a
 2032 misdemeanor of the first degree, punishable as provided in s.
 2033 775.082 or s. 775.083.

2034 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
 2035 as provided in subsection (5), it is unlawful for any person to
 2036 deliver, possess with intent to deliver, or manufacture with
 2037 intent to deliver drug paraphernalia, knowing, or under
 2038 circumstances where one reasonably should know, that it will be
 2039 used:

2040 (a) To plant, propagate, cultivate, grow, harvest,
 2041 manufacture, compound, convert, produce, process, prepare, test,
 2042 analyze, pack, repack, store, contain, or conceal a controlled
 2043 substance in violation of this act; or

2044 (b) To inject, ingest, inhale, or otherwise introduce into
 2045 the human body a controlled substance in violation of this act.

2046

2047 Any person who violates this subsection is guilty of a felony of
 2048 the third degree, punishable as provided in s. 775.082, s.
 2049 775.083, or s. 775.084.

2050 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as

2051 provided in subsection (5), it is unlawful to use, possess with
 2052 the intent to use, or manufacture with the intent to use drug
 2053 paraphernalia, knowing or under circumstances in which one
 2054 reasonably should know that it will be used to transport:

2055 (a) A controlled substance in violation of this chapter;

2056 or

2057 (b) Contraband as defined in s. 932.701(2)(a)1.

2058

2059 Any person who violates this subsection commits a felony of the
 2060 third degree, punishable as provided in s. 775.082, s. 775.083,
 2061 or s. 775.084.

2062 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

2063 (a) A person 21 years of age or older may possess, use,
 2064 transport, or deliver, without consideration, to a person 21
 2065 years of age or older a marijuana delivery device, as defined in
 2066 s. 381.986.

2067 (b) A person younger than 21 years of age who possesses,
 2068 uses, transports, or delivers, without consideration, to a
 2069 person 21 years of age or older a marijuana delivery device, as
 2070 defined in s. 381.986, commits a misdemeanor of the second
 2071 degree, punishable as provided in s. 775.082 or s. 775.083 for a
 2072 first conviction of a violation of this paragraph, and a
 2073 misdemeanor of the first degree, punishable as provided in s.
 2074 775.082 or s. 775.083, for a second or subsequent conviction of
 2075 a violation of this paragraph.

2076 Section 8. Section 943.0586, Florida Statutes, is created
 2077 to read:
 2078 943.0586 Cannabis expunction.—
 2079 (1) DEFINITIONS.—As used in this section, the term:
 2080 (a) "Cannabis" has the same meaning as provided in chapter
 2081 893.
 2082 (b) "Expunction" has the same meaning and effect as
 2083 provided in s. 943.0585.
 2084 (c) "Former s. 893.13, Florida Statutes 2020," is a
 2085 reference to s. 893.13 as it existed at any time before January
 2086 1, 2021.
 2087 (2) ELIGIBILITY.—Notwithstanding any other law, a person
 2088 is eligible to petition a court to expunge a criminal history
 2089 record for the conviction of former s. 893.13, Florida Statutes
 2090 2020, if:
 2091 (a) The person received a withhold of adjudication or
 2092 adjudication of guilt for a violation of former 893.13, Florida
 2093 Statutes 2020, for the possession of cannabis;
 2094 (b) The person possessed 4 ounces or less of cannabis; and
 2095 (c) The person is no longer under court supervision
 2096 related to the disposition of arrest or alleged criminal
 2097 activity for which the petition to expunge pertains.
 2098 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
 2099 to expunge a criminal history record under this section, a
 2100 person seeking to expunge a criminal history record must apply

2101 to the department for a certificate of eligibility for
2102 expunction. The department shall adopt rules to establish
2103 procedures for applying for and issuing a certificate of
2104 eligibility for expunction.

2105 (a) The department shall issue a certificate of
2106 eligibility for expunction to a person who is the subject of a
2107 criminal history record under this section, if that person:

2108 1. Satisfies the eligibility criteria in subsection (2);

2109 2. Has submitted to the department a written certified
2110 statement from the appropriate state attorney or statewide
2111 prosecutor which confirms the criminal history record complies
2112 with the criteria in subsection (2);

2113 3. Has submitted to the department a certified copy of the
2114 disposition of the charge to which the petition to expunge
2115 pertains; and

2116 4. Remits a \$75 processing fee to the department for
2117 placement in the Department of Law Enforcement Operating Trust
2118 Fund, unless the executive director waives such fee.

2119 (b) A certificate of eligibility for expunction is valid
2120 for 12 months after the date of issuance stamped by the
2121 department on the certificate. After that time, the petitioner
2122 must reapply to the department for a new certificate of
2123 eligibility. The petitioner's status and the law in effect at
2124 the time of the renewal application determine the petitioner's
2125 eligibility.

2126 (4) PETITION.—Each petition to expunge a criminal history
 2127 record must be accompanied by:

2128 (a) A valid certificate of eligibility issued by the
 2129 department.

2130 (b) The petitioner's sworn statement that he or she:

2131 1. Satisfies the eligibility requirements for expunction
 2132 in subsection (2); and

2133 2. Is eligible for expunction to the best of his or her
 2134 knowledge.

2135 (5) PENALTIES.—A person who knowingly provides false
 2136 information on such sworn statement commits a felony of the
 2137 third degree, punishable as provided in s. 775.082, s. 775.083,
 2138 or s. 775.084.

2139 (6) COURT AUTHORITY.—

2140 (a) The courts of this state have jurisdiction over their
 2141 own procedures, including the maintenance, expunction, and
 2142 correction of judicial records containing criminal history
 2143 information to the extent that such procedures are not
 2144 inconsistent with the conditions, responsibilities, and duties
 2145 established by this section.

2146 (b) A court of competent jurisdiction shall order a
 2147 criminal justice agency to expunge the criminal history record
 2148 of a person who complies with this section. The court may not
 2149 order a criminal justice agency to expunge a criminal history
 2150 record under this section until the person seeking to expunge a

2151 criminal history record has applied for and received a
2152 certificate of eligibility under subsection (3).

2153 (c) Expunction granted under this section does not prevent
2154 the person who receives such relief from petitioning for the
2155 expunction or sealing of a later criminal history record as
2156 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2157 person is otherwise eligible under those sections.

2158 (7) PROCESSING OF A PETITION OR AN ORDER.—

2159 (a) In judicial proceedings under this section, a copy of
2160 the completed petition to expunge shall be served upon the
2161 appropriate state attorney or the statewide prosecutor and upon
2162 the arresting agency; however, it is not necessary to make any
2163 agency other than the state a party. The appropriate state
2164 attorney or the statewide prosecutor and the arresting agency
2165 may respond to the court regarding the completed petition to
2166 expunge.

2167 (b) If relief is granted by the court, the clerk of the
2168 court shall certify copies of the order to the appropriate state
2169 attorney or the statewide prosecutor and the arresting agency.
2170 The arresting agency shall forward the order to any other agency
2171 to which the arresting agency disseminated the criminal history
2172 record information to which the order pertains. The department
2173 shall forward the order to expunge to the Federal Bureau of
2174 Investigation. The clerk of the court shall certify a copy of
2175 the order to any other agency which the records of the court

2176 reflect has received the criminal history record from the court.

2177 (c) The department or any other criminal justice agency is
2178 not required to act on an order to expunge entered by a court if
2179 such order does not comply with the requirements of this
2180 section. Upon receipt of such an order, the department shall
2181 notify the issuing court, the appropriate state attorney or
2182 statewide prosecutor, the petitioner or the petitioner's
2183 attorney, and the arresting agency of the reason for
2184 noncompliance. The appropriate state attorney or statewide
2185 prosecutor shall take action within 60 days to correct the
2186 record and petition the court to void the order. No cause of
2187 action, including contempt of court, may arise against any
2188 criminal justice agency for failure to comply with an order to
2189 expunge if the petitioner for such order failed to obtain the
2190 certificate of eligibility as required by this section or such
2191 order does not otherwise comply with the requirements of this
2192 section.

2193 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2194 (a) The person who is the subject of a criminal history
2195 record that is expunged under this section may lawfully deny or
2196 fail to acknowledge the arrests and convictions covered by the
2197 expunged record, except if the person who is the subject of the
2198 record:

2199 1. Is a candidate for employment with a criminal justice
2200 agency;

- 2201 2. Is a defendant in a criminal prosecution;
- 2202 3. Concurrently or subsequently petitions for relief under
 2203 this section, s. 943.0583, s. 943.059, or s. 943.0585;
- 2204 4. Is a candidate for admission to The Florida Bar;
- 2205 5. Is seeking to be employed or licensed by or to contract
 2206 with the Department of Children and Families, the Division of
 2207 Vocational Rehabilitation within the Department of Education,
 2208 the Agency for Health Care Administration, the Agency for
 2209 Persons with Disabilities, the Department of Health, the
 2210 Department of Elderly Affairs, or the Department of Juvenile
 2211 Justice or to be employed or used by such contractor or licensee
 2212 in a sensitive position having direct contact with children,
 2213 persons with disabilities, or the elderly;
- 2214 6. Is seeking to be employed or licensed by the Department
 2215 of Education, any district school board, any university
 2216 laboratory school, any charter school, any private or parochial
 2217 school, or any local governmental entity that licenses child
 2218 care facilities;
- 2219 7. Is seeking to be licensed by the Division of Insurance
 2220 Agent and Agency Services within the Department of Financial
 2221 Services; or
- 2222 8. Is seeking to be appointed as a guardian pursuant to s.
 2223 744.3125.
- 2224 (b) A person who has been granted an expunction under this
 2225 section and who is authorized under paragraph (a) to lawfully

2226 deny or fail to acknowledge the arrests and convictions covered
2227 by an expunged record may not be held under any law of this
2228 state to commit perjury or to be otherwise liable for giving a
2229 false statement by reason of such person's failure to recite or
2230 acknowledge an expunged criminal history record.

2231 Section 9. Section 893.15, Florida Statutes, is amended to
2232 read:

2233 893.15 Rehabilitation.—Any person who violates s.
2234 893.13(6) (a) ~~or (b)~~ relating to possession may, in the
2235 discretion of the trial judge, be required to participate in a
2236 substance abuse services program approved or regulated by the
2237 Department of Children and Families pursuant to the provisions
2238 of chapter 397, provided the director of such program approves
2239 the placement of the defendant in such program. Such required
2240 participation shall be imposed in addition to any penalty or
2241 probation otherwise prescribed by law. However, the total time
2242 of such penalty, probation, and program participation shall not
2243 exceed the maximum length of sentence possible for the offense.

2244 Section 10. Except as otherwise expressly provided in this
2245 act and except for this section, which shall take effect upon
2246 becoming a law, this act shall take effect January 1, 2021.