

By Senator Thurston

33-00345-20

2020212\_\_

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

33-00345-20

2020212\_\_

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

33-00345-20

2020212\_\_

59 that a medical marijuana retail facility may contract  
60 with only one medical marijuana treatment center;  
61 providing requirements for the transfer of ownership  
62 of a medical marijuana retail facility; prohibiting  
63 medical marijuana retail facilities and any  
64 individuals who control or have a certain ownership or  
65 voting interest in such facilities from acquiring  
66 certain direct or indirect ownership or control of  
67 another medical marijuana retail facility; prohibiting  
68 certain profit-sharing arrangements; providing  
69 operational and dispensing requirements and  
70 prohibitions for medical marijuana retail facilities;  
71 prohibiting a medical marijuana retail facility from  
72 engaging in Internet sales; prohibiting certain  
73 medical marijuana retail facility advertising and  
74 providing exceptions; requiring that certain  
75 information be posted on a medical marijuana retail  
76 facility website; authorizing the department to adopt  
77 rules; requiring the department to conduct periodic  
78 inspections of such facilities; authorizing counties  
79 and municipalities to determine the location of such  
80 facilities by ordinance under certain conditions;  
81 imposing criminal penalties on persons or entities  
82 that engage in specified unlicensed activities;  
83 providing that a medical marijuana retail facility and  
84 its owners, managers, and employees are exempt from  
85 prosecution for certain offenses and from other  
86 specified regulations and requirements; amending s.  
87 381.987, F.S.; requiring the department to allow a

33-00345-20

2020212\_\_

88 medical marijuana retail facility to access  
89 confidential and exempt information in the medical  
90 marijuana use registry for certain verification  
91 purposes; providing an effective date.  
92

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

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

103 381.986 Medical use of marijuana.—

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

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

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

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

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

33-00345-20

2020212\_\_

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

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

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

136 (g) "Marijuana delivery device" means an object used,  
137 intended for use, or designed for use in preparing, storing,  
138 ingesting, inhaling, or otherwise introducing marijuana into the  
139 human body, and which is dispensed from a medical marijuana  
140 treatment center or a medical marijuana retail facility for  
141 medical use by a qualified patient, except that delivery devices  
142 intended for the medical use of marijuana by smoking need not be  
143 dispensed from a medical marijuana treatment center or a medical  
144 marijuana retail facility in order to qualify as marijuana  
145 delivery devices.

33-00345-20

2020212\_\_

146 (h) "Marijuana testing laboratory" means a facility that  
147 collects and analyzes marijuana samples from a medical marijuana  
148 treatment center and has been certified by the department  
149 pursuant to s. 381.988.

150 (i) "Medical director" means a person who holds an active,  
151 unrestricted license as an allopathic physician under chapter  
152 458 or osteopathic physician under chapter 459 and is in  
153 compliance with the requirements of paragraph (3)(c).

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

159 (k)~~(j)~~ "Medical use" means the acquisition, possession,  
160 use, delivery, transfer, or administration of marijuana  
161 authorized by a physician certification. The term does not  
162 include:

163 1. Possession, use, or administration of marijuana that was  
164 not purchased or acquired from a medical marijuana treatment  
165 center or a medical marijuana retail facility.

166 2. Possession, use, or administration of marijuana in the  
167 form of commercially produced food items other than edibles or  
168 of marijuana seeds.

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

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

33-00345-20

2020212\_\_

175 5. Use or administration of marijuana in the following  
176 locations:

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

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

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

183 d. In a state correctional institution, as defined in s.  
184 944.02, or a correctional institution, as defined in s. 944.241.

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

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

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

191 (l)~~(k)~~ "Physician certification" means a qualified  
192 physician's authorization for a qualified patient to receive  
193 marijuana and a marijuana delivery device from a medical  
194 marijuana treatment center or a medical marijuana retail  
195 facility.

196 (m)~~(l)~~ "Qualified patient" means a resident of this state  
197 who has been added to the medical marijuana use registry by a  
198 qualified physician to receive marijuana or a marijuana delivery  
199 device for a medical use and who has a qualified patient  
200 identification card.

201 (n)~~(m)~~ "Qualified physician" means a person who holds an  
202 active, unrestricted license as an allopathic physician under  
203 chapter 458 or as an osteopathic physician under chapter 459 and

33-00345-20

2020212\_\_

204 is in compliance with the physician education requirements of  
205 subsection (3).

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

208 (p)~~(e)~~ "Terminal condition" means a progressive disease or  
209 medical or surgical condition that causes significant functional  
210 impairment, is not considered by a treating physician to be  
211 reversible without the administration of life-sustaining  
212 procedures, and will result in death within 1 year after  
213 diagnosis if the condition runs its normal course.

214 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

215 (a) Before being approved as a qualified physician, as  
216 defined in paragraph (1) (n) ~~paragraph (1) (m)~~, and before each  
217 license renewal, a physician must successfully complete a 2-hour  
218 course and subsequent examination offered by the Florida Medical  
219 Association or the Florida Osteopathic Medical Association which  
220 encompass the requirements of this section and any rules adopted  
221 hereunder. The course and examination shall be administered at  
222 least annually and may be offered in a distance learning format,  
223 including an electronic, online format that is available upon  
224 request. The price of the course may not exceed \$500. A  
225 physician who has met the physician education requirements of  
226 former s. 381.986(4), Florida Statutes 2016, before June 23,  
227 2017, shall be deemed to be in compliance with this paragraph  
228 from June 23, 2017, until 90 days after the course and  
229 examination required by this paragraph become available.

230 (b) A qualified physician may not be employed by, or have  
231 any direct or indirect economic interest in, a medical marijuana  
232 treatment center, a medical marijuana retail facility, or a

33-00345-20

2020212\_\_

233 marijuana testing laboratory.

234 (c) Before being employed as a medical director, as defined  
235 in paragraph (1)(i), and before each license renewal, a medical  
236 director must successfully complete a 2-hour course and  
237 subsequent examination offered by the Florida Medical  
238 Association or the Florida Osteopathic Medical Association which  
239 encompass the requirements of this section and any rules adopted  
240 hereunder. The course and examination shall be administered at  
241 least annually and may be offered in a distance learning format,  
242 including an electronic, online format that is available upon  
243 request. The price of the course may not exceed \$500.

244 (4) PHYSICIAN CERTIFICATION.—

245 (f) A qualified physician may not issue a physician  
246 certification for more than three 70-day supply limits of  
247 marijuana or more than six 35-day supply limits of marijuana in  
248 a form for smoking. The department shall quantify by rule a  
249 daily dose amount with equivalent dose amounts for each  
250 allowable form of marijuana dispensed by a medical marijuana  
251 treatment center or a medical marijuana retail facility. The  
252 department shall use the daily dose amount to calculate a 70-day  
253 supply.

254 1. A qualified physician may request an exception to the  
255 daily dose amount limit, the 35-day supply limit of marijuana in  
256 a form for smoking, and the 4-ounce possession limit of  
257 marijuana in a form for smoking established in paragraph (15)(a)  
258 ~~(14)(a)~~. The request shall be made electronically on a form  
259 adopted by the department in rule and must include, at a  
260 minimum:

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

33-00345-20

2020212\_\_

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

264 c. A description of how the patient will benefit from an  
265 increased amount.

266 d. The minimum daily dose amount of marijuana that would be  
267 sufficient for the treatment of the qualified patient's  
268 qualifying medical condition.

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

271 3. The department shall approve or disapprove the request  
272 within 14 days after receipt of the complete documentation  
273 required by this paragraph. The request shall be deemed approved  
274 if the department fails to act within this time period.

275 (5) MEDICAL MARIJUANA USE REGISTRY.—

276 (a) The department shall create and maintain a secure,  
277 electronic, and online medical marijuana use registry for  
278 physicians, patients, and caregivers as provided under this  
279 section. The medical marijuana use registry must be accessible  
280 to law enforcement agencies, qualified physicians, ~~and~~ medical  
281 marijuana treatment centers, and medical marijuana retail  
282 facilities to verify the authorization of a qualified patient or  
283 a caregiver to possess marijuana or a marijuana delivery device  
284 and record the marijuana or marijuana delivery device dispensed.  
285 The medical marijuana use registry must also be accessible to  
286 practitioners licensed to prescribe prescription drugs to ensure  
287 proper care for patients before medications that may interact  
288 with the medical use of marijuana are prescribed. The medical  
289 marijuana use registry must prevent an active registration of a  
290 qualified patient by multiple physicians.

33-00345-20

2020212\_\_

291 (f) The department may revoke the registration of a  
292 qualified patient or caregiver who cultivates marijuana or who  
293 acquires, possesses, or delivers marijuana from any person or  
294 entity other than a medical marijuana treatment center or a  
295 medical marijuana retail facility.

296 (6) CAREGIVERS.—

297 (b) A caregiver must:

298 1. Not be a qualified physician and not be employed by or  
299 have an economic interest in a medical marijuana treatment  
300 center, a medical marijuana retail facility, or a marijuana  
301 testing laboratory.

302 2. Be 21 years of age or older and a resident of this  
303 state.

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

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

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

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

316 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

33-00345-20

2020212\_\_

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

322 1. As soon as practicable, but no later than July 3, 2017,  
323 the department shall license as a medical marijuana treatment  
324 center any entity that holds an active, unrestricted license to  
325 cultivate, process, transport, and dispense low-THC cannabis,  
326 medical cannabis, and cannabis delivery devices, under former s.  
327 381.986, Florida Statutes 2016, before July 1, 2017, and which  
328 meets the requirements of this section. In addition to the  
329 authority granted under this section, these entities are  
330 authorized to dispense low-THC cannabis, medical cannabis, and  
331 cannabis delivery devices ordered pursuant to former s. 381.986,  
332 Florida Statutes 2016, which were entered into the compassionate  
333 use registry before July 1, 2017, and are authorized to begin  
334 dispensing marijuana under this section on July 3, 2017. The  
335 department may grant variances from the representations made in  
336 such an entity's original application for approval under former  
337 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

341 a. As soon as practicable, but no later than August 1,  
342 2017, the department shall license any applicant whose  
343 application was reviewed, evaluated, and scored by the  
344 department and which was denied a dispensing organization  
345 license by the department under former s. 381.986, Florida  
346 Statutes 2014; which had one or more administrative or judicial  
347 challenges pending as of January 1, 2017, or had a final ranking  
348 within one point of the highest final ranking in its region

33-00345-20

2020212\_\_

349 under former s. 381.986, Florida Statutes 2014; which meets the  
350 requirements of this section; and which provides documentation  
351 to the department that it has the existing infrastructure and  
352 technical and technological ability to begin cultivating  
353 marijuana within 30 days after registration as a medical  
354 marijuana treatment center.

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

361 c. As soon as practicable, but no later than October 3,  
362 2017, the department shall license applicants that meet the  
363 requirements of this section in sufficient numbers to result in  
364 10 total licenses issued under this subparagraph, while  
365 accounting for the number of licenses issued under sub-  
366 subparagraphs a. and b.

367 3. For up to two of the licenses issued under subparagraph  
368 2., the department shall give preference to applicants that  
369 demonstrate in their applications that they own one or more  
370 facilities that are, or were, used for the canning,  
371 concentrating, or otherwise processing of citrus fruit or citrus  
372 molasses and will use or convert the facility or facilities for  
373 the processing of marijuana.

374 4. Within 6 months after the registration of 100,000 active  
375 qualified patients in the medical marijuana use registry, the  
376 department shall license four additional medical marijuana  
377 treatment centers that meet the requirements of this section.

33-00345-20

2020212\_\_

378 Thereafter, the department shall license four medical marijuana  
379 treatment centers within 6 months after the registration of each  
380 additional 100,000 active qualified patients in the medical  
381 marijuana use registry that meet the requirements of this  
382 section.

383 5. Dispensing facilities are subject to the following  
384 requirements:

385 a. A medical marijuana treatment center may not establish  
386 or operate more than a statewide maximum of 25 dispensing  
387 facilities, unless the medical marijuana use registry reaches a  
388 total of 100,000 active registered qualified patients. When the  
389 medical marijuana use registry reaches 100,000 active registered  
390 qualified patients, and then upon each further instance of the  
391 total active registered qualified patients increasing by  
392 100,000, the statewide maximum number of dispensing facilities  
393 that each licensed medical marijuana treatment center may  
394 establish and operate increases by five.

395 b. A medical marijuana treatment center may not establish  
396 more than the maximum number of dispensing facilities allowed in  
397 each of the Northwest, Northeast, Central, Southwest, and  
398 Southeast Regions. The department shall determine a medical  
399 marijuana treatment center's maximum number of dispensing  
400 facilities allowed in each region by calculating the percentage  
401 of the total statewide population contained within that region  
402 and multiplying that percentage by the medical marijuana  
403 treatment center's statewide maximum number of dispensing  
404 facilities established under sub-subparagraph a., rounded to the  
405 nearest whole number. The department shall ensure that such  
406 rounding does not cause a medical marijuana treatment center's

33-00345-20

2020212\_\_

407 total number of statewide dispensing facilities to exceed its  
408 statewide maximum. The department shall initially calculate the  
409 maximum number of dispensing facilities allowed in each region  
410 for each medical marijuana treatment center using county  
411 population estimates from the Florida Estimates of Population  
412 2016, as published by the Office of Economic and Demographic  
413 Research, and shall perform recalculations following the  
414 official release of county population data resulting from each  
415 United States Decennial Census. For the purposes of this  
416 subparagraph:

417 (I) The Northwest Region consists of Bay, Calhoun,  
418 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,  
419 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
420 Walton, and Washington Counties.

421 (II) The Northeast Region consists of Alachua, Baker,  
422 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,  
423 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,  
424 Suwannee, and Union Counties.

425 (III) The Central Region consists of Brevard, Citrus,  
426 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,  
427 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia  
428 Counties.

429 (IV) The Southwest Region consists of Charlotte, Collier,  
430 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,  
431 Okeechobee, and Sarasota Counties.

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

434 c. If a medical marijuana treatment center establishes a  
435 number of dispensing facilities within a region that is less

33-00345-20

2020212\_\_

436 than the number allowed for that region under sub-subparagraph  
437 b., the medical marijuana treatment center may sell one or more  
438 of its unused dispensing facility slots to other licensed  
439 medical marijuana treatment centers. For each dispensing  
440 facility slot that a medical marijuana treatment center sells,  
441 that medical marijuana treatment center's statewide maximum  
442 number of dispensing facilities, as determined under sub-  
443 subparagraph a., is reduced by one. The statewide maximum number  
444 of dispensing facilities for a medical marijuana treatment  
445 center that purchases an unused dispensing facility slot is  
446 increased by one per slot purchased. Additionally, the sale of a  
447 dispensing facility slot shall reduce the seller's regional  
448 maximum and increase the purchaser's regional maximum number of  
449 dispensing facilities, as determined in sub-subparagraph b., by  
450 one for that region. For any slot purchased under this sub-  
451 subparagraph, the regional restriction applied to that slot's  
452 location under sub-subparagraph b. before the purchase shall  
453 remain in effect following the purchase. A medical marijuana  
454 treatment center that sells or purchases a dispensing facility  
455 slot must notify the department within 3 days of sale.

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

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

459

460 If this subparagraph or its application to any person or  
461 circumstance is held invalid, the invalidity does not affect  
462 other provisions or applications of this act which can be given  
463 effect without the invalid provision or application, and to this  
464 end, the provisions of this subparagraph are severable.

33-00345-20

2020212\_\_

465 (b) An applicant for licensure as a medical marijuana  
466 treatment center shall apply to the department on a form  
467 prescribed by the department and adopted in rule. The department  
468 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
469 establishing a procedure for the issuance and biennial renewal  
470 of licenses, including initial application and biennial renewal  
471 fees sufficient to cover the costs of implementing and  
472 administering this section, and establishing supplemental  
473 licensure fees for payment beginning May 1, 2018, sufficient to  
474 cover the costs of administering ss. 381.989 and 1004.4351. The  
475 department shall identify applicants with strong diversity plans  
476 reflecting this state's commitment to diversity and implement  
477 training programs and other educational programs to enable  
478 minority persons and minority business enterprises, as defined  
479 in s. 288.703, and veteran business enterprises, as defined in  
480 s. 295.187, to compete for medical marijuana treatment center  
481 licensure and contracts. Subject to the requirements in  
482 subparagraphs (a)2.-4., the department shall issue a license to  
483 an applicant if the applicant meets the requirements of this  
484 section and pays the initial application fee. The department  
485 shall renew the licensure of a medical marijuana treatment  
486 center biennially if the licensee meets the requirements of this  
487 section and pays the biennial renewal fee. An individual may not  
488 be an applicant, owner, officer, board member, or manager on  
489 more than one application for licensure as a medical marijuana  
490 treatment center. An individual or entity may not be awarded  
491 more than one license as a medical marijuana treatment center.  
492 An applicant for licensure as a medical marijuana treatment  
493 center must demonstrate:

33-00345-20

2020212\_\_

494 1. That, for the 5 consecutive years before submitting the  
495 application, the applicant has been registered to do business in  
496 the state.

497 2. Possession of a valid certificate of registration issued  
498 by the Department of Agriculture and Consumer Services pursuant  
499 to s. 581.131.

500 3. The technical and technological ability to cultivate and  
501 produce marijuana, including, but not limited to, low-THC  
502 cannabis.

503 4. The ability to secure the premises, resources, and  
504 personnel necessary to operate as a medical marijuana treatment  
505 center.

506 5. The ability to maintain accountability of all raw  
507 materials, finished products, and any byproducts to prevent  
508 diversion or unlawful access to or possession of these  
509 substances.

510 6. An infrastructure reasonably located to dispense  
511 marijuana to registered qualified patients statewide or  
512 regionally as determined by the department.

513 7. The financial ability to maintain operations for the  
514 duration of the 2-year approval cycle, including the provision  
515 of certified financial statements to the department.

516 a. Upon approval, the applicant must post a \$5 million  
517 performance bond issued by an authorized surety insurance  
518 company rated in one of the three highest rating categories by a  
519 nationally recognized rating service. However, a medical  
520 marijuana treatment center serving at least 1,000 qualified  
521 patients is only required to maintain a \$2 million performance  
522 bond.

33-00345-20

2020212\_\_

523           b. In lieu of the performance bond required under sub-  
524 subparagraph a., the applicant may provide an irrevocable letter  
525 of credit payable to the department or provide cash to the  
526 department. If provided with cash under this sub-subparagraph,  
527 the department shall deposit the cash in the Grants and  
528 Donations Trust Fund within the Department of Health, subject to  
529 the same conditions as the bond regarding requirements for the  
530 applicant to forfeit ownership of the funds. If the funds  
531 deposited under this sub-subparagraph generate interest, the  
532 amount of that interest shall be used by the department for the  
533 administration of this section.

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

537           9. The employment of a medical director to supervise the  
538 activities of the medical marijuana treatment center.

539           10. A diversity plan that promotes and ensures the  
540 involvement of minority persons and minority business  
541 enterprises, as defined in s. 288.703, or veteran business  
542 enterprises, as defined in s. 295.187, in ownership, management,  
543 and employment. An applicant for licensure renewal must show the  
544 effectiveness of the diversity plan by including the following  
545 with his or her application for renewal:

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

548           b. Efforts to recruit minority persons and veterans for  
549 employment; and

550           c. A record of contracts for services with minority  
551 business enterprises and veteran business enterprises.

33-00345-20

2020212\_\_

552 (c) A medical marijuana treatment center may not make a  
553 wholesale purchase of marijuana from, or a distribution of  
554 marijuana to, another medical marijuana treatment center, unless  
555 the medical marijuana treatment center seeking to make a  
556 wholesale purchase of marijuana submits proof of harvest failure  
557 to the department.

558 (d) The department shall establish, maintain, and control a  
559 computer software tracking system that traces marijuana from  
560 seed to sale and allows real-time, 24-hour access by the  
561 department to data from all medical marijuana treatment centers,  
562 medical marijuana retail facilities, and marijuana testing  
563 laboratories. The tracking system must allow for integration of  
564 other seed-to-sale systems and, at a minimum, include  
565 notification of when marijuana seeds are planted, when marijuana  
566 plants are harvested and destroyed, and when marijuana is  
567 transported, sold, stolen, diverted, or lost. Each medical  
568 marijuana treatment center and each medical marijuana retail  
569 facility shall use the seed-to-sale tracking system established  
570 by the department or integrate its own seed-to-sale tracking  
571 system with the seed-to-sale tracking system established by the  
572 department. Each medical marijuana treatment center and each  
573 medical marijuana retail facility may use its own seed-to-sale  
574 system until the department establishes a seed-to-sale tracking  
575 system. The department may contract with a vendor to establish  
576 the seed-to-sale tracking system. The vendor selected by the  
577 department may not have a contractual relationship with the  
578 department to perform any services pursuant to this section  
579 other than the seed-to-sale tracking system. The vendor may not  
580 have a direct or indirect financial interest in a medical

33-00345-20

2020212\_\_

581 marijuana treatment center, a medical marijuana retail facility,  
582 or a marijuana testing laboratory.

583 (e) A licensed medical marijuana treatment center may ~~shall~~  
584 cultivate, process, transport, and dispense marijuana for  
585 medical use. A licensed medical marijuana treatment center may  
586 not contract for services directly related to the cultivation  
587 and, ~~processing, and dispensing~~ of marijuana or marijuana  
588 delivery devices. ~~, except that~~ A medical marijuana treatment  
589 center licensed pursuant to subparagraph (a)1. may contract with  
590 no more than 10 licensed medical marijuana retail facilities to  
591 dispense a single entity for the cultivation, processing,  
592 transporting, and dispensing of marijuana, and marijuana  
593 delivery devices, and edibles pursuant to subsection (9). A  
594 licensed medical marijuana treatment center must, at all times,  
595 maintain compliance with the criteria demonstrated and  
596 representations made in the initial application and the criteria  
597 established in this subsection. Upon request, the department may  
598 grant a medical marijuana treatment center a variance from the  
599 representations made in the initial application. Consideration  
600 of such a request shall be based upon the individual facts and  
601 circumstances surrounding the request. A variance may not be  
602 granted unless the requesting medical marijuana treatment center  
603 can demonstrate to the department that it has a proposed  
604 alternative to the specific representation made in its  
605 application which fulfills the same or a similar purpose as the  
606 specific representation in a way that the department can  
607 reasonably determine will not be a lower standard than the  
608 specific representation in the application. A variance may not  
609 be granted from the requirements in subparagraph 2. and

33-00345-20

2020212\_\_

610 subparagraphs (b)1. and 2.

611 1. A licensed medical marijuana treatment center may  
612 transfer ownership to an individual or entity who meets the  
613 requirements of this section. A publicly traded corporation or  
614 publicly traded company that meets the requirements of this  
615 section is not precluded from ownership of a medical marijuana  
616 treatment center. To accommodate a change in ownership:

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

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

624 c. Upon receipt of an application for a license, the  
625 department shall examine the application and, within 30 days  
626 after receipt, notify the applicant in writing of any apparent  
627 errors or omissions and request any additional information  
628 required.

629 d. Requested information omitted from an application for  
630 licensure must be filed with the department within 21 days after  
631 the department's request for omitted information or the  
632 application shall be deemed incomplete and shall be withdrawn  
633 from further consideration and the fees shall be forfeited.

634  
635 Within 30 days after the receipt of a complete application, the  
636 department shall approve or deny the application.

637 2. A medical marijuana treatment center, and any individual  
638 or entity who directly or indirectly owns, controls, or holds

33-00345-20

2020212\_\_

639 with power to vote 5 percent or more of the voting shares of a  
640 medical marijuana treatment center, may not acquire direct or  
641 indirect ownership or control of any voting shares or other form  
642 of ownership of any other medical marijuana treatment center. A  
643 medical marijuana treatment center may not directly or  
644 indirectly own or operate a medical marijuana retail facility.

645 3. A medical marijuana treatment center may not enter into  
646 any form of profit-sharing arrangement with the property owner  
647 or lessor of any of its facilities where cultivation,  
648 processing, storing, or dispensing of marijuana and marijuana  
649 delivery devices occurs.

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

653 5. Each medical marijuana treatment center must adopt and  
654 enforce policies and procedures to ensure employees and  
655 volunteers receive training on the legal requirements to  
656 dispense marijuana to qualified patients.

657 6. When growing marijuana, a medical marijuana treatment  
658 center:

659 a. May use pesticides determined by the department, after  
660 consultation with the Department of Agriculture and Consumer  
661 Services, to be safely applied to plants intended for human  
662 consumption, but may not use pesticides designated as  
663 restricted-use pesticides pursuant to s. 487.042.

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

666 c. Must inspect seeds and growing plants for plant pests  
667 that endanger or threaten the horticultural and agricultural

33-00345-20

2020212\_\_

668 interests of the state in accordance with chapter 581 and any  
669 rules adopted thereunder.

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

673 7. Each medical marijuana treatment center must produce and  
674 make available for purchase at least one low-THC cannabis  
675 product.

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

33-00345-20

2020212\_\_

697 9. Within 12 months after licensure, a medical marijuana  
698 treatment center must demonstrate to the department that all of  
699 its processing facilities have passed a Food Safety Good  
700 Manufacturing Practices, such as Global Food Safety Initiative  
701 or equivalent, inspection by a nationally accredited certifying  
702 body. A medical marijuana treatment center must immediately stop  
703 processing at any facility which fails to pass this inspection  
704 until it demonstrates to the department that such facility has  
705 met this requirement.

706 10. A medical marijuana treatment center that produces  
707 prerolled marijuana cigarettes may not use wrapping paper made  
708 with tobacco or hemp.

709 11. When processing marijuana, a medical marijuana  
710 treatment center must:

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

713 b. Comply with department rules when processing marijuana  
714 with hydrocarbon solvents or other solvents or gases exhibiting  
715 potential toxicity to humans. The department shall determine by  
716 rule the requirements for medical marijuana treatment centers to  
717 use such solvents or gases exhibiting potential toxicity to  
718 humans.

719 c. Comply with federal and state laws and regulations and  
720 department rules for solid and liquid wastes. The department  
721 shall determine by rule procedures for the storage, handling,  
722 transportation, management, and disposal of solid and liquid  
723 waste generated during marijuana production and processing. The  
724 Department of Environmental Protection shall assist the  
725 department in developing such rules.

33-00345-20

2020212\_\_

726 d. Test the processed marijuana using a medical marijuana  
727 testing laboratory before it is dispensed. Results must be  
728 verified and signed by two medical marijuana treatment center  
729 employees. Before dispensing, the medical marijuana treatment  
730 center must determine that the test results indicate that low-  
731 THC cannabis meets the definition of low-THC cannabis, the  
732 concentration of tetrahydrocannabinol meets the potency  
733 requirements of this section, the labeling of the concentration  
734 of tetrahydrocannabinol and cannabidiol is accurate, and all  
735 marijuana is safe for human consumption and free from  
736 contaminants that are unsafe for human consumption. The  
737 department shall determine by rule which contaminants must be  
738 tested for and the maximum levels of each contaminant which are  
739 safe for human consumption. The Department of Agriculture and  
740 Consumer Services shall assist the department in developing the  
741 testing requirements for contaminants that are unsafe for human  
742 consumption in edibles. The department shall also determine by  
743 rule the procedures for the treatment of marijuana that fails to  
744 meet the testing requirements of this section, s. 381.988, or  
745 department rule. The department may select a random sample from  
746 edibles available for purchase in a dispensing facility which  
747 shall be tested by the department to determine that the edible  
748 meets the potency requirements of this section, is safe for  
749 human consumption, and the labeling of the tetrahydrocannabinol  
750 and cannabidiol concentration is accurate. A medical marijuana  
751 treatment center may not require payment from the department for  
752 the sample. A medical marijuana treatment center must recall  
753 edibles, including all edibles made from the same batch of  
754 marijuana, which fail to meet the potency requirements of this

33-00345-20

2020212\_\_

755 section, which are unsafe for human consumption, or for which  
756 the labeling of the tetrahydrocannabinol and cannabidiol  
757 concentration is inaccurate. The medical marijuana treatment  
758 center must retain records of all testing and samples of each  
759 homogenous batch of marijuana for at least 9 months. The medical  
760 marijuana treatment center must contract with a marijuana  
761 testing laboratory to perform audits on the medical marijuana  
762 treatment center's standard operating procedures, testing  
763 records, and samples and provide the results to the department  
764 to confirm that the marijuana or low-THC cannabis meets the  
765 requirements of this section and that the marijuana or low-THC  
766 cannabis is safe for human consumption. A medical marijuana  
767 treatment center shall reserve two processed samples from each  
768 batch and retain such samples for at least 9 months for the  
769 purpose of such audits. A medical marijuana treatment center may  
770 use a laboratory that has not been certified by the department  
771 under s. 381.988 until such time as at least one laboratory  
772 holds the required certification, but in no event later than  
773 July 1, 2018.

774 e. Package the marijuana in compliance with the United  
775 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
776 1471 et seq.

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

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

781 (II) The name of the medical marijuana treatment center  
782 from which the marijuana originates.

783 (III) The batch number and harvest number from which the

33-00345-20

2020212\_\_

784 marijuana originates and the date dispensed.

785 (IV) The name of the physician who issued the physician  
786 certification.

787 (V) The name of the patient.

788 (VI) The product name, if applicable, and dosage form,  
789 including concentration of tetrahydrocannabinol and cannabidiol.  
790 The product name may not contain wording commonly associated  
791 with products marketed by or to children.

792 (VII) The recommended dose.

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

795 (IX) A marijuana universal symbol developed by the  
796 department.

797 12. The medical marijuana treatment center shall include in  
798 each package a patient package insert with information on the  
799 specific product dispensed related to:

- 800 a. Clinical pharmacology.
- 801 b. Indications and use.
- 802 c. Dosage and administration.
- 803 d. Dosage forms and strengths.
- 804 e. Contraindications.
- 805 f. Warnings and precautions.
- 806 g. Adverse reactions.

807 13. In addition to the packaging and labeling requirements  
808 specified in subparagraphs 11. and 12., marijuana in a form for  
809 smoking must be packaged in a sealed receptacle with a legible  
810 and prominent warning to keep away from children and a warning  
811 that states marijuana smoke contains carcinogens and may  
812 negatively affect health. Such receptacles for marijuana in a

33-00345-20

2020212\_\_

813 form for smoking must be plain, opaque, and white without  
814 depictions of the product or images other than the medical  
815 marijuana treatment center's department-approved logo and the  
816 marijuana universal symbol.

817 14. The department shall adopt rules to regulate the types,  
818 appearance, and labeling of marijuana delivery devices dispensed  
819 from a medical marijuana treatment center. The rules must  
820 require marijuana delivery devices to have an appearance  
821 consistent with medical use.

822 15. Each edible shall be individually sealed in plain,  
823 opaque wrapping marked only with the marijuana universal symbol.  
824 Where practical, each edible shall be marked with the marijuana  
825 universal symbol. In addition to the packaging and labeling  
826 requirements in subparagraphs 11. and 12., edible receptacles  
827 must be plain, opaque, and white without depictions of the  
828 product or images other than the medical marijuana treatment  
829 center's department-approved logo and the marijuana universal  
830 symbol. The receptacle must also include a list of all the  
831 edible's ingredients, storage instructions, an expiration date,  
832 a legible and prominent warning to keep away from children and  
833 pets, and a warning that the edible has not been produced or  
834 inspected pursuant to federal food safety laws.

835 16. When dispensing marijuana or a marijuana delivery  
836 device, a medical marijuana treatment center:

837 a. May dispense any active, valid order for low-THC  
838 cannabis, medical cannabis, and cannabis delivery devices issued  
839 pursuant to former s. 381.986, Florida Statutes 2016, which was  
840 entered into the medical marijuana use registry before July 1,  
841 2017.

33-00345-20

2020212\_\_

842           b. May not dispense more than a 70-day supply of marijuana  
843 within any 70-day period to a qualified patient or caregiver.  
844 May not dispense more than one 35-day supply of marijuana in a  
845 form for smoking within any 35-day period to a qualified patient  
846 or caregiver. A 35-day supply of marijuana in a form for smoking  
847 may not exceed 2.5 ounces unless an exception to this amount is  
848 approved by the department pursuant to paragraph (4) (f).

849           c. Must have the medical marijuana treatment center's  
850 employee who dispenses the marijuana or a marijuana delivery  
851 device enter into the medical marijuana use registry his or her  
852 name or unique employee identifier.

853           d. Must verify that the qualified patient and the  
854 caregiver, if applicable, each have an active registration in  
855 the medical marijuana use registry and an active and valid  
856 medical marijuana use registry identification card, the amount  
857 and type of marijuana dispensed matches the physician  
858 certification in the medical marijuana use registry for that  
859 qualified patient, and the physician certification has not  
860 already been filled.

861           e. May not dispense marijuana to a qualified patient who is  
862 younger than 18 years of age. If the qualified patient is  
863 younger than 18 years of age, marijuana may ~~only~~ be dispensed  
864 only to the qualified patient's caregiver.

865           f. May not dispense or sell any other type of cannabis,  
866 alcohol, or illicit drug-related product, including pipes or  
867 wrapping papers made with tobacco or hemp, other than a  
868 marijuana delivery device required for the medical use of  
869 marijuana and which is specified in a physician certification.

870           g. Must, upon dispensing the marijuana or marijuana

33-00345-20

2020212\_\_

871 delivery device, record in the registry the date, time,  
872 quantity, and form of marijuana dispensed; the type of marijuana  
873 delivery device dispensed; and the name and medical marijuana  
874 use registry identification number of the qualified patient or  
875 caregiver to whom the marijuana delivery device was dispensed.

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

879 (f) To ensure the safety and security of premises where the  
880 cultivation, processing, storing, or dispensing of marijuana  
881 occurs, and to maintain adequate controls against the diversion,  
882 theft, and loss of marijuana or marijuana delivery devices, a  
883 medical marijuana treatment center shall:

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

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

890 (I) Cameras are fixed in a place that allows for the clear  
891 identification of persons and activities in controlled areas of  
892 the premises. Controlled areas include grow rooms, processing  
893 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
894 rooms.

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

898 (III) Recorded images must clearly and accurately display  
899 the time and date.

33-00345-20

2020212\_\_

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

903 2. Ensure that the medical marijuana treatment center's  
904 outdoor premises have sufficient lighting from dusk until dawn.

905 3. Ensure that the indoor premises where dispensing occurs  
906 includes a waiting area with sufficient space and seating to  
907 accommodate qualified patients and caregivers and at least one  
908 private consultation area that is isolated from the waiting area  
909 and area where dispensing occurs. A medical marijuana treatment  
910 center may not display products or dispense marijuana or  
911 marijuana delivery devices in the waiting area.

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

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

917 6. Require at least two of its employees, or two employees  
918 of a security agency with whom it contracts, to be on the  
919 premises at all times where cultivation, processing, or storing  
920 of marijuana occurs.

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

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

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

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

33-00345-20

2020212\_\_

929 (g) To ensure the safe transport of marijuana and marijuana  
930 delivery devices to medical marijuana treatment centers,  
931 marijuana testing laboratories, or qualified patients, a medical  
932 marijuana treatment center must:

933 1. Maintain a marijuana transportation manifest in any  
934 vehicle transporting marijuana. The marijuana transportation  
935 manifest must be generated from a medical marijuana treatment  
936 center's seed-to-sale tracking system and include the:

937 a. Departure date and approximate time of departure.

938 b. Name, location address, and license number of the  
939 originating medical marijuana treatment center.

940 c. Name and address of the recipient of the delivery.

941 d. Quantity and form of any marijuana or marijuana delivery  
942 device being transported.

943 e. Arrival date and estimated time of arrival.

944 f. Delivery vehicle make and model and license plate  
945 number.

946 g. Name and signature of the medical marijuana treatment  
947 center employees delivering the product.

948 (I) A copy of the marijuana transportation manifest must be  
949 provided to each individual, medical marijuana treatment center,  
950 or marijuana testing laboratory that receives a delivery. The  
951 individual, or a representative of the center or laboratory,  
952 must sign a copy of the marijuana transportation manifest  
953 acknowledging receipt.

954 (II) An individual transporting marijuana or a marijuana  
955 delivery device must present a copy of the relevant marijuana  
956 transportation manifest and his or her employee identification  
957 card to a law enforcement officer upon request.

33-00345-20

2020212\_\_

958 (III) Medical marijuana treatment centers and marijuana  
959 testing laboratories must retain copies of all marijuana  
960 transportation manifests for at least 3 years.

961 2. Ensure only vehicles in good working order are used to  
962 transport marijuana.

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

965 4. Require employees to have possession of their employee  
966 identification card at all times when transporting marijuana or  
967 marijuana delivery devices.

968 5. Require at least two persons to be in a vehicle  
969 transporting marijuana or marijuana delivery devices, and  
970 require at least one person to remain in the vehicle while the  
971 marijuana or marijuana delivery device is being delivered.

972 6. Provide specific safety and security training to  
973 employees transporting or delivering marijuana and marijuana  
974 delivery devices.

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

978 1. The dispensing location of a medical marijuana treatment  
979 center may have a sign that is affixed to the outside or hanging  
980 in the window of the premises which identifies the dispensary by  
981 the licensee's business name, a department-approved trade name,  
982 or a department-approved logo. A medical marijuana treatment  
983 center's trade name and logo may not contain wording or images  
984 commonly associated with marketing targeted toward children or  
985 which promote recreational use of marijuana.

986 2. A medical marijuana treatment center may engage in

33-00345-20

2020212\_\_

987 Internet advertising and marketing under the following  
988 conditions:

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

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

993 c. An advertisement may not be an unsolicited pop-up  
994 advertisement.

995 d. Opt-in marketing must include an easy and permanent opt-  
996 out feature.

997 (i) Each medical marijuana treatment center that dispenses  
998 marijuana and marijuana delivery devices shall make available to  
999 the public on its website:

1000 1. Each marijuana and low-THC product available for  
1001 purchase, including the form, strain of marijuana from which it  
1002 was extracted, cannabidiol content, tetrahydrocannabinol  
1003 content, dose unit, total number of doses available, and the  
1004 ratio of cannabidiol to tetrahydrocannabinol for each product.

1005 2. The price for a 30-day, 50-day, and 70-day supply at a  
1006 standard dose for each marijuana and low-THC product available  
1007 for purchase.

1008 3. The price for each marijuana delivery device available  
1009 for purchase.

1010 4. If applicable, any discount policies and eligibility  
1011 criteria for such discounts.

1012 ~~(j) Medical marijuana treatment centers are the sole source~~  
1013 ~~from which~~ A qualified patient may legally obtain marijuana only  
1014 from a medical marijuana treatment center or a medical marijuana  
1015 retail facility.

33-00345-20

2020212\_\_

1016 (k) The department may adopt rules pursuant to ss.  
1017 120.536(1) and 120.54 to implement this subsection.

1018 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department  
1019 shall license medical marijuana retail facilities to ensure  
1020 reasonable statewide accessibility and availability as necessary  
1021 for qualified patients who are registered in the medical  
1022 marijuana use registry and who are issued a physician  
1023 certification under this section. The department shall begin  
1024 issuing medical marijuana retail facility licenses by August 1,  
1025 2020.

1026 (a) An applicant for licensure as a medical marijuana  
1027 retail facility shall apply to the department on a form  
1028 prescribed by the department and adopted in rule. The department  
1029 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
1030 establishing a procedure for the issuance and biennial renewal  
1031 of licenses. The department shall identify applicants with  
1032 strong diversity plans reflecting this state's commitment to  
1033 diversity and it shall implement training programs and other  
1034 educational programs to enable minority persons and minority  
1035 business enterprises, as defined in s. 288.703, and veteran  
1036 business enterprises, as defined in s. 295.187, to qualify for  
1037 medical marijuana retail facility licensure and contracts. The  
1038 department shall issue a license to an applicant if the  
1039 applicant meets the requirements of this subsection and rules  
1040 adopted under this subsection. The department shall renew the  
1041 licensure of a medical marijuana retail facility biennially if  
1042 the licensee meets the requirements of this subsection and rules  
1043 adopted under this subsection. An individual may not be an  
1044 applicant, owner, officer, board member, or manager on more than

33-00345-20

2020212\_\_

1045 one application for licensure as a medical marijuana retail  
1046 facility. An individual or entity may not be awarded more than  
1047 one license as a medical marijuana retail facility. Each medical  
1048 marijuana retail facility license is valid for one physical  
1049 location. A medical marijuana treatment center may not be  
1050 awarded a license to operate a medical marijuana retail  
1051 facility.

1052 (b) An applicant for licensure as a medical marijuana  
1053 retail facility must demonstrate:

1054 1. The ability to secure the premises, resources, and  
1055 personnel necessary to operate as a medical marijuana retail  
1056 facility.

1057 2. The ability to maintain accountability for all raw  
1058 materials, all finished products, and any byproducts to prevent  
1059 diversion or unlawful access to or possession of these  
1060 substances.

1061 3. An infrastructure reasonably located to dispense  
1062 marijuana to registered qualified patients statewide or  
1063 regionally, as determined by the department.

1064 4. The financial ability to maintain operations for the  
1065 duration of the 2-year approval cycle, including the provision  
1066 of certified financial statements to the department.

1067 5. That all owners, officers, board members, and managers  
1068 have passed a background screening pursuant to subsection (10).

1069 6. The employment of a medical director to supervise the  
1070 activities of the medical marijuana retail facility.

1071 7. A diversity plan that promotes and ensures the  
1072 involvement of minority persons and minority business  
1073 enterprises, as defined in s. 288.703, or veteran business

33-00345-20

2020212\_\_

1074 enterprises, as defined in s. 295.187, in ownership, management,  
1075 and employment. An applicant for licensure renewal must show the  
1076 effectiveness of the diversity plan by including the following  
1077 with his or her application for renewal:

1078 a. Representation of minority persons and veterans in the  
1079 medical marijuana retail facility's workforce;

1080 b. Efforts to recruit minority persons and veterans for  
1081 employment; and

1082 c. A record of contracts for services with minority  
1083 business enterprises and veteran business enterprises.

1084 8. Proof of liability insurance coverage of at least  
1085 \$250,000 for each facility that dispenses or stores marijuana or  
1086 medical marijuana delivery devices.

1087 (c) A medical marijuana retail facility may not make a  
1088 wholesale purchase of marijuana from a medical marijuana  
1089 treatment center.

1090 (d) A medical marijuana retail facility may not transport  
1091 marijuana, marijuana delivery devices, or edibles.

1092 (e) A medical marijuana retail facility may contract with  
1093 only one medical marijuana treatment center to dispense  
1094 marijuana, marijuana delivery devices, or edibles to a qualified  
1095 patient or caregiver.

1096 (f)1. A medical marijuana retail facility may transfer  
1097 ownership to an individual or entity that meets the requirements  
1098 of this section. A publicly traded corporation or publicly  
1099 traded company that meets the requirements of this section is  
1100 not precluded from ownership of a medical marijuana retail  
1101 facility. To accommodate a change in ownership:

1102 a. The medical marijuana retail facility shall notify the

33-00345-20

2020212\_\_

1103 department in writing at least 60 days before the anticipated  
1104 date of the change of ownership.

1105 b. The individual or entity applying for initial licensure  
1106 due to a change of ownership must submit an application that  
1107 must be received by the department at least 60 days before the  
1108 date of the change of ownership.

1109 c. Upon receipt of an application for a license, the  
1110 department shall examine the application and, within 30 days  
1111 after receipt, notify the applicant in writing of any apparent  
1112 errors or omissions and request any additional information  
1113 required.

1114 d. Requested information omitted from an application for  
1115 licensure must be filed with the department within 21 days after  
1116 the department's request for omitted information or the  
1117 application shall be deemed incomplete and must be withdrawn  
1118 from further consideration, and any fees shall be forfeited.

1119  
1120 Within 30 days after the receipt of a complete application, the  
1121 department shall approve or deny the application.

1122 2. A medical marijuana retail facility, and any individual  
1123 or entity that directly or indirectly owns, controls, or holds  
1124 with power to vote 5 percent or more of the voting shares of a  
1125 medical marijuana retail facility, may not acquire direct or  
1126 indirect ownership or control of any voting shares or other form  
1127 of ownership of any other medical marijuana retail facility.

1128 3. A medical marijuana retail facility may not enter into  
1129 any form of profit-sharing arrangement with the property owner  
1130 or lessor of any of its facilities where storing or dispensing  
1131 of marijuana and marijuana delivery devices occurs.

33-00345-20

2020212\_\_

1132 4. All employees of a medical marijuana retail facility  
1133 must be 21 years of age or older and have passed a background  
1134 screening pursuant to subsection (10).

1135 5. Each medical marijuana retail facility must adopt and  
1136 enforce policies and procedures to ensure employees and  
1137 volunteers receive training on the legal requirements to  
1138 dispense marijuana to qualified patients.

1139 6. Each medical marijuana retail facility must make  
1140 available for purchase at least one low-THC cannabis product.

1141 7. A medical marijuana retail facility may not repackage or  
1142 modify marijuana or a medical marijuana delivery device packaged  
1143 for retail sale by a contracted medical marijuana treatment  
1144 center.

1145 8. A medical marijuana retail facility may not process or  
1146 produce edibles, but it may dispense to a qualified patient or  
1147 caregiver edibles in the original packaging and with the  
1148 original labeling affixed as received from a contracted medical  
1149 marijuana treatment center. Onsite consumption of marijuana or  
1150 edibles at a medical marijuana retail facility is prohibited.  
1151 The department may select a random sample from edibles available  
1152 for purchase in a medical marijuana retail facility to be tested  
1153 by the department to determine whether the edible meets the  
1154 potency requirements of subparagraph (8)(e)8. and is safe for  
1155 human consumption, and whether the labeling of the  
1156 tetrahydrocannabinol and cannabidiol concentration is accurate.  
1157 A medical marijuana retail facility may not require payment from  
1158 the department for the sample. A medical marijuana retail  
1159 facility must recall edibles, including all edibles made from  
1160 the same batch of marijuana, which fail to meet the potency

33-00345-20

2020212\_\_

1161 requirements, which are unsafe for human consumption, or for  
1162 which the labeling of the tetrahydrocannabinol and cannabidiol  
1163 concentration is inaccurate.

1164 9. When dispensing marijuana or a marijuana delivery  
1165 device, a medical marijuana retail facility:

1166 a. May dispense any active, valid order for low-THC  
1167 cannabis, medical cannabis, and cannabis delivery devices issued  
1168 pursuant to former s. 381.986, Florida Statutes 2016, which was  
1169 entered into the medical marijuana use registry before July 1,  
1170 2017.

1171 b. May not dispense more than a 70-day supply of marijuana  
1172 to a qualified patient or caregiver.

1173 c. Must require that its employee who dispenses the  
1174 marijuana or a marijuana delivery device enter into the medical  
1175 marijuana use registry his or her name or unique employee  
1176 identifier.

1177 d. Must verify that the qualified patient and the  
1178 caregiver, if applicable, each have an active registration in  
1179 the medical marijuana use registry and an active and valid  
1180 medical marijuana use registry identification card, that the  
1181 amount and type of marijuana dispensed matches the physician  
1182 certification in the medical marijuana use registry for that  
1183 qualified patient, and that the physician certification has not  
1184 already been filled.

1185 e. May not dispense marijuana to a qualified patient who is  
1186 younger than 18 years of age. If the qualified patient is  
1187 younger than 18 years of age, marijuana may be dispensed only to  
1188 the qualified patient's caregiver.

1189 f. May not dispense or sell any other type of cannabis,

33-00345-20

2020212\_\_

1190 alcohol, or illicit drug-related product, including pipes,  
1191 bongs, or rolling papers, other than a marijuana delivery device  
1192 required for the medical use of marijuana which is specified in  
1193 a physician certification.

1194 g. Must, upon dispensing the marijuana or marijuana  
1195 delivery device, record in the registry the date, time,  
1196 quantity, and form of marijuana dispensed; the type of marijuana  
1197 delivery device dispensed; and the name and medical marijuana  
1198 use registry identification number of the qualified patient or  
1199 caregiver to whom the marijuana or marijuana delivery device was  
1200 dispensed.

1201 h. Must ensure that patient records are not visible to  
1202 anyone other than the qualified patient, his or her caregiver,  
1203 and authorized medical marijuana retail facility employees.

1204 (g) To ensure the safety and security of premises where the  
1205 storing or dispensing of marijuana occurs, and to maintain  
1206 adequate controls against the diversion, theft, and loss of  
1207 marijuana or marijuana delivery devices, a medical marijuana  
1208 retail facility shall:

1209 1.a. Maintain a fully operational security alarm system  
1210 that secures all entry points and perimeter windows and is  
1211 equipped with motion detectors; pressure switches; and duress,  
1212 panic, and hold-up alarms; and

1213 b. Maintain a video surveillance system that records  
1214 continuously, 24 hours a day, and meets the following criteria:

1215 (I) Cameras are fixed in a place that allows for the clear  
1216 identification of persons and activities in controlled areas of  
1217 the premises. Controlled areas include grow rooms, processing  
1218 rooms, storage rooms, disposal rooms or areas, and point-of-sale

33-00345-20

2020212\_\_

1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236  
1237  
1238  
1239  
1240  
1241  
1242  
1243  
1244  
1245  
1246  
1247

rooms.

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

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

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

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

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

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

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

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

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

33-00345-20

2020212\_\_

1248 8. Require each visitor to wear a visitor pass at all times  
1249 while on the premises.

1250 9. Implement an alcohol- and drug-free workplace policy.

1251 10. Report to local law enforcement within 24 hours after  
1252 being notified or becoming aware of the theft, diversion, or  
1253 loss of marijuana.

1254 (h) A medical marijuana retail facility may not engage in  
1255 Internet sales.

1256 (i) A medical marijuana retail facility may not engage in  
1257 advertising that is visible to members of the public from any  
1258 street, sidewalk, park, or other public place, except:

1259 1. A medical marijuana retail facility may have a sign that  
1260 is affixed to the outside, or hanging in the window, of the  
1261 premises which identifies the facility by the licensee's  
1262 business name, a department-approved trade name, or a  
1263 department-approved logo. A medical marijuana retail facility's  
1264 trade name and logo may not contain wording or images commonly  
1265 associated with marketing targeted toward children or which  
1266 promote recreational use of marijuana.

1267 2. A medical marijuana retail facility may engage in  
1268 Internet advertising and marketing under the following  
1269 conditions:

1270 a. All advertisements must be approved by the department.

1271 b. An advertisement may not have any content that  
1272 specifically targets individuals under the age of 18, including  
1273 cartoon characters or similar images.

1274 c. An advertisement may not be an unsolicited pop-up  
1275 advertisement.

1276 d. Opt-in marketing must include an easy and permanent opt-

33-00345-20

2020212\_\_

1277 out feature.

1278 (j) Each medical marijuana retail facility that dispenses  
1279 marijuana, marijuana delivery devices, or edibles shall make  
1280 available to the public on its website:

1281 1. Information on each marijuana and low-THC cannabis  
1282 product available for purchase, including the form, strain of  
1283 marijuana from which it was extracted, cannabidiol content,  
1284 tetrahydrocannabinol content, dose unit, and total number of  
1285 doses available, and the ratio of cannabidiol to  
1286 tetrahydrocannabinol for each such product.

1287 2. The price of a 30-day supply, 50-day supply, and-70 day  
1288 supply at a standard dose for each marijuana and low-THC  
1289 cannabis product available for purchase.

1290 3. The price for each marijuana delivery device available  
1291 for purchase.

1292 4. If applicable, any discount policies and eligibility  
1293 criteria for such discounts.

1294 (k) A qualified patient may legally obtain medical  
1295 marijuana only from a medical marijuana treatment center or a  
1296 medical marijuana retail facility.

1297 (l) The department may adopt rules pursuant to ss.  
1298 120.536(1) and 120.54 to implement this subsection.

1299 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL  
1300 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1301 (a) The department shall conduct announced or unannounced  
1302 inspections of medical marijuana treatment centers and medical  
1303 marijuana retail facilities to determine compliance with this  
1304 section or rules adopted pursuant to this section.

1305 (b) The department shall inspect a medical marijuana

33-00345-20

2020212\_\_

1306 treatment center upon receiving a complaint or notice that the  
1307 medical marijuana treatment center has dispensed marijuana  
1308 containing mold, bacteria, or other contaminant that may cause  
1309 or has caused an adverse effect to human health or the  
1310 environment.

1311 (c) The department shall conduct at least a biennial  
1312 inspection of each medical marijuana treatment center and each  
1313 medical marijuana retail facility to evaluate the medical  
1314 marijuana treatment center's or medical marijuana retail  
1315 facility's records, personnel, equipment, processes, security  
1316 measures, sanitation practices, and quality assurance practices.

1317 (d) The Department of Agriculture and Consumer Services and  
1318 the department shall enter into an interagency agreement to  
1319 ensure cooperation and coordination in the performance of their  
1320 obligations under this section and their respective regulatory  
1321 and authorizing laws. The department, the Department of Highway  
1322 Safety and Motor Vehicles, and the Department of Law Enforcement  
1323 may enter into interagency agreements for the purposes specified  
1324 in this subsection or subsection (7).

1325 (e) The department shall publish a list of all approved  
1326 medical marijuana treatment centers, medical directors, medical  
1327 marijuana retail facilities, and qualified physicians on its  
1328 website.

1329 (f) The department may impose reasonable fines not to  
1330 exceed \$10,000 on a medical marijuana treatment center or a  
1331 medical marijuana retail facility for any of the following  
1332 violations:

- 1333 1. Violating this section or department rule.
- 1334 2. Failing to maintain qualifications for approval.

33-00345-20

2020212\_\_

- 1335           3. Endangering the health, safety, or security of a  
1336 qualified patient.
- 1337           4. Improperly disclosing personal and confidential  
1338 information of the qualified patient.
- 1339           5. Attempting to procure medical marijuana treatment center  
1340 or medical marijuana retail facility approval by bribery,  
1341 fraudulent misrepresentation, or extortion.
- 1342           6. Being convicted or found guilty of, or entering a plea  
1343 of guilty or nolo contendere to, regardless of adjudication, a  
1344 crime in any jurisdiction which directly relates to the business  
1345 of a medical marijuana treatment center or a medical marijuana  
1346 retail facility.
- 1347           7. Making or filing a report or record that the medical  
1348 marijuana treatment center or medical marijuana retail facility  
1349 knows to be false.
- 1350           8. Willfully failing to maintain a record required by this  
1351 section or department rule.
- 1352           9. Willfully impeding or obstructing an employee or agent  
1353 of the department in the furtherance of his or her official  
1354 duties.
- 1355           10. Engaging in fraud or deceit, negligence, incompetence,  
1356 or misconduct in the business practices of a medical marijuana  
1357 treatment center or a medical marijuana retail facility.
- 1358           11. Making misleading, deceptive, or fraudulent  
1359 representations in or related to the business practices of a  
1360 medical marijuana treatment center or a medical marijuana retail  
1361 facility.
- 1362           12. Having a license or the authority to engage in any  
1363 regulated profession, occupation, or business that is related to

33-00345-20

2020212\_\_

1364 the business practices of a medical marijuana treatment center  
1365 or a medical marijuana retail facility suspended, revoked, or  
1366 otherwise acted against by the licensing authority of any  
1367 jurisdiction, including its agencies or subdivisions, for a  
1368 violation that would constitute a violation under Florida law.

1369 13. Violating a lawful order of the department or an agency  
1370 of the state, or failing to comply with a lawfully issued  
1371 subpoena of the department or an agency of the state.

1372 (g) The department may suspend, revoke, or refuse to renew  
1373 the license of a medical marijuana treatment center or a medical  
1374 marijuana retail facility ~~license~~ if the medical marijuana  
1375 treatment center or medical marijuana retail facility commits  
1376 any of the violations in paragraph (f).

1377 (h) The department may adopt rules pursuant to ss.  
1378 120.536(1) and 120.54 to implement this subsection.

1379 (12) ~~(11)~~ PREEMPTION.—Regulation of cultivation, processing,  
1380 and delivery of marijuana by medical marijuana treatment centers  
1381 is preempted to the state except as provided in this subsection.

1382 (a) A medical marijuana treatment center cultivating or  
1383 processing facility may not be located within 500 feet of the  
1384 real property that comprises a public or private elementary  
1385 school, middle school, or secondary school.

1386 (b)1. A county or municipality may, by ordinance, ban  
1387 medical marijuana treatment center dispensing facilities or  
1388 medical marijuana retail facilities from being located within  
1389 the boundaries of that county or municipality. A county or  
1390 municipality that does not ban dispensing facilities or medical  
1391 marijuana retail facilities under this subparagraph may not  
1392 place specific limits, by ordinance, on the number of dispensing

33-00345-20

2020212\_\_

1393 facilities or medical marijuana retail facilities that may  
1394 locate within that county or municipality.

1395 2. A municipality may determine by ordinance the criteria  
1396 for the location of, and other permitting requirements that do  
1397 not conflict with state law or department rule for, medical  
1398 marijuana treatment center dispensing facilities or medical  
1399 marijuana retail facilities located within the boundaries of  
1400 that municipality. A county may determine by ordinance the  
1401 criteria for the location of, and other permitting requirements  
1402 that do not conflict with state law or department rule for, all  
1403 such dispensing facilities and medical marijuana retail  
1404 facilities located within the unincorporated areas of that  
1405 county. Except as provided in paragraph (c), a county or  
1406 municipality may not enact ordinances for permitting or for  
1407 determining the location of dispensing facilities and medical  
1408 marijuana retail facilities which are more restrictive than its  
1409 ordinances permitting or determining the locations for  
1410 pharmacies licensed under chapter 465. A municipality or county  
1411 may not charge a medical marijuana treatment center or a medical  
1412 marijuana retail facility a license or permit fee in an amount  
1413 greater than the fee charged by such municipality or county to  
1414 pharmacies. A dispensing facility location approved by a  
1415 municipality or county pursuant to former s. 381.986(8)(b),  
1416 Florida Statutes 2016, is not subject to the location  
1417 requirements of this subsection.

1418 (c) A medical marijuana treatment center dispensing  
1419 facility or a medical marijuana retail facility may not be  
1420 located within 500 feet of the real property that comprises a  
1421 public or private elementary school, middle school, or secondary

33-00345-20

2020212\_\_

1422 school unless the county or municipality approves the location  
1423 through a formal proceeding open to the public at which the  
1424 county or municipality determines that the location promotes the  
1425 public health, safety, and general welfare of the community.

1426 (d) This subsection does not prohibit any local  
1427 jurisdiction from ensuring that medical marijuana treatment  
1428 center dispensing facilities and medical marijuana retail  
1429 facilities comply with the Florida Building Code, the Florida  
1430 Fire Prevention Code, or any local amendments to the Florida  
1431 Building Code or the Florida Fire Prevention Code.

1432 (13)~~(12)~~ PENALTIES.—

1433 (a) A qualified physician commits a misdemeanor of the  
1434 first degree, punishable as provided in s. 775.082 or s.  
1435 775.083, if the qualified physician issues a physician  
1436 certification for the medical use of marijuana for a patient  
1437 without a reasonable belief that the patient is suffering from a  
1438 qualifying medical condition.

1439 (b) A person who fraudulently represents that he or she has  
1440 a qualifying medical condition to a qualified physician for the  
1441 purpose of being issued a physician certification commits a  
1442 misdemeanor of the first degree, punishable as provided in s.  
1443 775.082 or s. 775.083.

1444 (c) A qualified patient who uses marijuana, not including  
1445 low-THC cannabis, or a caregiver who administers marijuana, not  
1446 including low-THC cannabis, in plain view of or in a place open  
1447 to the general public; in a school bus, a vehicle, an aircraft,  
1448 or a boat; or on the grounds of a school except as provided in  
1449 s. 1006.062, commits a misdemeanor of the first degree,  
1450 punishable as provided in s. 775.082 or s. 775.083.

33-00345-20

2020212\_\_

1451 (d) A qualified patient or caregiver who cultivates  
1452 marijuana or who purchases or acquires marijuana from any person  
1453 or entity other than a medical marijuana treatment center or a  
1454 medical marijuana retail facility violates s. 893.13 and is  
1455 subject to the penalties provided therein.

1456 (e)1. A qualified patient or caregiver in possession of  
1457 marijuana or a marijuana delivery device who fails or refuses to  
1458 present his or her marijuana use registry identification card  
1459 upon the request of a law enforcement officer commits a  
1460 misdemeanor of the second degree, punishable as provided in s.  
1461 775.082 or s. 775.083, unless it can be determined through the  
1462 medical marijuana use registry that the person is authorized to  
1463 be in possession of that marijuana or marijuana delivery device.

1464 2. A person charged with a violation of this paragraph may  
1465 not be convicted if, before or at the time of his or her court  
1466 or hearing appearance, the person produces in court or to the  
1467 clerk of the court in which the charge is pending a medical  
1468 marijuana use registry identification card issued to him or her  
1469 which is valid at the time of his or her arrest. The clerk of  
1470 the court is authorized to dismiss such case at any time before  
1471 the defendant's appearance in court. The clerk of the court may  
1472 assess a fee of \$5 for dismissing the case under this paragraph.

1473 (f) A caregiver who violates any of the applicable  
1474 provisions of this section or applicable department rules, for  
1475 the first offense, commits a misdemeanor of the second degree,  
1476 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1477 second or subsequent offense, commits a misdemeanor of the first  
1478 degree, punishable as provided in s. 775.082 or s. 775.083.

1479 (g) A qualified physician who issues a physician

33-00345-20

2020212\_\_

1480 certification for marijuana or a marijuana delivery device and  
1481 receives compensation from a medical marijuana treatment center  
1482 related to the issuance of a physician certification for  
1483 marijuana or a marijuana delivery device is subject to  
1484 disciplinary action under the applicable practice act and s.  
1485 456.072(1)(n).

1486 (h) A person transporting marijuana or marijuana delivery  
1487 devices on behalf of a medical marijuana treatment center or  
1488 marijuana testing laboratory who fails or refuses to present a  
1489 transportation manifest upon the request of a law enforcement  
1490 officer commits a misdemeanor of the second degree, punishable  
1491 as provided in s. 775.082 or s. 775.083.

1492 (i) Persons and entities conducting activities authorized  
1493 and governed by this section and s. 381.988 are subject to ss.  
1494 456.053, 456.054, and 817.505, as applicable.

1495 (j) A person or entity that cultivates, processes,  
1496 distributes, sells, or dispenses marijuana, as defined in s.  
1497 29(b)(4), Art. X of the State Constitution, and is not licensed  
1498 as a medical marijuana treatment center or as a medical  
1499 marijuana retail facility violates s. 893.13 and is subject to  
1500 the penalties provided therein.

1501 (k) A person who manufactures, distributes, sells, gives,  
1502 or possesses with the intent to manufacture, distribute, sell,  
1503 or give marijuana or a marijuana delivery device that he or she  
1504 holds out to have originated from a licensed medical marijuana  
1505 treatment center but that is counterfeit commits a felony of the  
1506 third degree, punishable as provided in s. 775.082, s. 775.083,  
1507 or s. 775.084. For the purposes of this paragraph, the term  
1508 "counterfeit" means marijuana; a marijuana delivery device; or a

33-00345-20

2020212\_\_

1509 marijuana or marijuana delivery device container, seal, or label  
1510 which, without authorization, bears the trademark, trade name,  
1511 or other identifying mark, imprint, or device, or any likeness  
1512 thereof, of a licensed medical marijuana treatment center and  
1513 which thereby falsely purports or is represented to be the  
1514 product of, or to have been distributed by, that licensed  
1515 medical marijuana treatment center ~~facility~~.

1516 (l) A person who distributes, sells, gives, or possesses  
1517 with the intent to manufacture, distribute, sell, or give  
1518 marijuana or a marijuana delivery device that he or she holds  
1519 out to have been dispensed from a licensed medical marijuana  
1520 retail facility but that is counterfeit commits a felony of the  
1521 third degree, punishable as provided in s. 775.082, s. 775.083,  
1522 or s. 775.084. For the purposes of this paragraph, the term  
1523 "counterfeit" means marijuana; a marijuana delivery device; or a  
1524 marijuana or marijuana delivery device container, seal, or label  
1525 which, without authorization, bears the trademark, trade name,  
1526 or other identifying mark, imprint, or device, or any likeness  
1527 thereof, of a licensed medical marijuana retail facility and  
1528 which thereby falsely purports or is represented to be the  
1529 product of, or to have been distributed by, that licensed  
1530 medical marijuana retail facility.

1531 (m) ~~(l)~~ Any person who possesses or manufactures a blank,  
1532 forged, stolen, fictitious, fraudulent, counterfeit, or  
1533 otherwise unlawfully issued medical marijuana use registry  
1534 identification card commits a felony of the third degree,  
1535 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1536 (15) ~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1537 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or

33-00345-20

2020212\_\_

1538 any other provision of law, but subject to the requirements of  
1539 this section, a qualified patient and the qualified patient's  
1540 caregiver may purchase from a medical marijuana treatment center  
1541 or a medical marijuana retail facility for the patient's medical  
1542 use a marijuana delivery device and up to the amount of  
1543 marijuana authorized in the physician certification, but may not  
1544 possess more than a 70-day supply of marijuana, or the greater  
1545 of 4 ounces of marijuana in a form for smoking or an amount of  
1546 marijuana in a form for smoking approved by the department  
1547 pursuant to paragraph (4) (f), at any given time and all  
1548 marijuana purchased must remain in its original packaging.

1549 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,  
1550 s. 893.147, or any other provision of law, a qualified patient  
1551 and the qualified patient's caregiver may purchase and possess a  
1552 marijuana delivery device intended for the medical use of  
1553 marijuana by smoking from a vendor other than a medical  
1554 marijuana treatment center.

1555 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1556 any other provision of law, but subject to the requirements of  
1557 this section, a licensed ~~an approved~~ medical marijuana treatment  
1558 center and its owners, managers, and employees may manufacture,  
1559 possess, sell, deliver, distribute, dispense, and lawfully  
1560 dispose of marijuana or a marijuana delivery device as provided  
1561 in this section, in s. 381.988, and by department rule. For the  
1562 purposes of this subsection, the terms "manufacture,"  
1563 "possession," "deliver," "distribute," and "dispense" have the  
1564 same meanings as provided in s. 893.02.

1565 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1566 any other provision of law, but subject to the requirements of

33-00345-20

2020212\_\_

1567 this section, a medical marijuana retail facility and its  
1568 owners, managers, and employees may possess, sell, distribute,  
1569 dispense, and lawfully dispose of marijuana or a marijuana  
1570 delivery device as provided in this section, in s. 381.988, and  
1571 by department rule. For the purposes of this subsection, the  
1572 terms "possession," "distribute," and "dispense" have the same  
1573 meanings as provided in s. 893.02.

1574 (e)~~(d)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1575 or any other provision of law, but subject to the requirements  
1576 of this section, a certified marijuana testing laboratory,  
1577 including an employee of a certified marijuana testing  
1578 laboratory acting within the scope of his or her employment, may  
1579 acquire, possess, test, transport, and lawfully dispose of  
1580 marijuana as provided in this section, in s. 381.988, and by  
1581 department rule.

1582 (f)~~(e)~~ A licensed medical marijuana treatment center and  
1583 its owners, managers, and employees are not subject to licensure  
1584 or regulation under chapter 465 or chapter 499 for  
1585 manufacturing, possessing, selling, delivering, distributing,  
1586 dispensing, or lawfully disposing of marijuana or a marijuana  
1587 delivery device, as provided in this section, in s. 381.988, and  
1588 by department rule.

1589 (g) A licensed medical marijuana retail facility and its  
1590 owners, managers, and employees are not subject to licensure or  
1591 regulation under chapter 465 or chapter 499 for possessing,  
1592 selling, distributing, dispensing, or lawfully disposing of  
1593 marijuana or a marijuana delivery device, as provided in this  
1594 section, in s. 381.988, and by department rule.

1595 (h)~~(f)~~ This subsection does not exempt a person from

33-00345-20

2020212\_\_

1596 prosecution for a criminal offense related to impairment or  
1597 intoxication resulting from the medical use of marijuana or  
1598 relieve a person from any requirement under law to submit to a  
1599 breath, blood, urine, or other test to detect the presence of a  
1600 controlled substance.

1601 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1602 or any other provision of law, but subject to the requirements  
1603 of this section and pursuant to policies and procedures  
1604 established pursuant to s. 1006.62(8), school personnel may  
1605 possess marijuana that is obtained for medical use pursuant to  
1606 this section by a student who is a qualified patient.

1607 (j)~~(h)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1608 or any other provision of law, but subject to the requirements  
1609 of this section, a research institute established by a public  
1610 postsecondary educational institution, such as the H. Lee  
1611 Moffitt Cancer Center and Research Institute, Inc., established  
1612 under s. 1004.43, or a state university that has achieved the  
1613 preeminent state research university designation under s.  
1614 1001.7065 may possess, test, transport, and lawfully dispose of  
1615 marijuana for research purposes as provided by this section.

1616 Section 2. Section 381.987, Florida Statutes, is amended to  
1617 read:

1618 381.987 Public records exemption for personal identifying  
1619 information relating to medical marijuana held by the  
1620 department.—

1621 (1) The following information is confidential and exempt  
1622 from s. 119.07(1) and s. 24(a), Art. I of the State  
1623 Constitution:

1624 (a) A patient's or caregiver's personal identifying

33-00345-20

2020212\_\_

1625 information held by the department in the medical marijuana use  
1626 registry established under s. 381.986, including, but not  
1627 limited to, the patient's or caregiver's name, address, date of  
1628 birth, photograph, and telephone number.

1629 (b) All personal identifying information collected for the  
1630 purpose of issuing a patient's or caregiver's medical marijuana  
1631 use registry identification card described in s. 381.986.

1632 (c) All personal identifying information pertaining to the  
1633 physician certification for marijuana and the dispensing thereof  
1634 held by the department, including, but not limited to,  
1635 information related to the patient's diagnosis, exception  
1636 requests to the daily dose amount limit, and the qualified  
1637 patient's experience related to the medical use of marijuana.

1638 (d) A qualified physician's Drug Enforcement Administration  
1639 number, residential address, and government-issued  
1640 identification card.

1641 (2) The department shall allow access to the confidential  
1642 and exempt information in the medical marijuana use registry to:

1643 (a) A law enforcement agency that is investigating a  
1644 violation of law regarding marijuana in which the subject of the  
1645 investigation claims an exception established under s. 381.986,  
1646 except for information related to the patient's diagnosis.

1647 (b) A medical marijuana treatment center or a medical  
1648 marijuana retail facility that is licensed ~~approved~~ by the  
1649 department pursuant to s. 381.986 which is attempting to verify  
1650 the authenticity of a physician certification for marijuana,  
1651 including whether the certification had been previously filled  
1652 and whether the certification was issued for the person  
1653 attempting to have it filled, except for information related to

33-00345-20

2020212\_\_

1654 the patient's diagnosis.

1655 (c) A physician who has issued a certification for  
1656 marijuana for the purpose of monitoring the patient's use of  
1657 such marijuana or for the purpose of determining, before issuing  
1658 a certification for marijuana, whether another physician has  
1659 issued a certification for the patient's use of marijuana. The  
1660 physician may access the confidential and exempt information  
1661 only for the patient for whom he or she has issued a  
1662 certification or is determining whether to issue a certification  
1663 for the use of marijuana pursuant to s. 381.986.

1664 (d) A practitioner licensed to prescribe prescription  
1665 medications to ensure proper care of a patient before  
1666 prescribing medication to that patient which may interact with  
1667 marijuana.

1668 (e) An employee of the department for the purposes of  
1669 maintaining the registry and periodic reporting or disclosure of  
1670 information that has been redacted to exclude personal  
1671 identifying information.

1672 (f) An employee of the department for the purposes of  
1673 reviewing physician registration and the issuance of physician  
1674 certifications to monitor practices that could facilitate  
1675 unlawful diversion or the misuse of marijuana or a marijuana  
1676 delivery device.

1677 (g) The department's relevant health care regulatory boards  
1678 responsible for the licensure, regulation, or discipline of a  
1679 physician if he or she is involved in a specific investigation  
1680 of a violation of s. 381.986. If a health care regulatory  
1681 board's investigation reveals potential criminal activity, the  
1682 board may provide any relevant information to the appropriate

33-00345-20

2020212\_\_

1683 law enforcement agency.

1684 (h) The Consortium for Medical Marijuana Clinical Outcomes  
1685 Research established in s. 1004.4351(4).

1686 (i) A person engaged in bona fide research if the person  
1687 agrees:

1688 1. To submit a research plan to the department which  
1689 specifies the exact nature of the information requested and the  
1690 intended use of the information;

1691 2. To maintain the confidentiality of the records or  
1692 information if personal identifying information is made  
1693 available to the researcher;

1694 3. To destroy any confidential and exempt records or  
1695 information obtained after the research is concluded; and

1696 4. Not to contact, directly or indirectly, for any purpose,  
1697 a patient or physician whose information is in the registry.

1698 (3) The department shall allow access to the confidential  
1699 and exempt information pertaining to the physician certification  
1700 for marijuana and the dispensing thereof, whether in the  
1701 registry or otherwise held by the department, to:

1702 (a) An employee of the department for the purpose of  
1703 approving or disapproving a request for an exception to the  
1704 daily dose amount limit for a qualified patient; and

1705 (b) The Consortium for Medical Marijuana Clinical Outcomes  
1706 Research pursuant to s. 381.986 for the purpose of conducting  
1707 research regarding the medical use of marijuana.

1708 (4) All information released by the department under  
1709 subsections (2) and (3) remains confidential and exempt, and a  
1710 person who receives access to such information must maintain the  
1711 confidential and exempt status of the information received.

33-00345-20

2020212\_\_

1712 (5) A person who willfully and knowingly violates this  
1713 section commits a felony of the third degree, punishable as  
1714 provided in s. 775.082 or s. 775.083.

1715 (6) This section is subject to the Open Government Sunset  
1716 Review Act in accordance with s. 119.15 and shall stand repealed  
1717 on October 2, 2022, unless reviewed and saved from repeal  
1718 through reenactment by the Legislature.

1719 Section 3. This act shall take effect upon becoming a law.