

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Smith, C. offered the following:

Substitute Amendment for Amendment (434551) (with title amendment)

Between lines 367 and 368, insert:

Section 5. Paragraph (b) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54

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14 establishing a procedure for the issuance and biennial renewal
15 of licenses, including initial application and biennial renewal
16 fees sufficient to cover the costs of implementing and
17 administering this section, and establishing supplemental
18 licensure fees for payment beginning May 1, 2018, sufficient to
19 cover the costs of administering ss. 381.989 and 1004.4351. The
20 department may not renew a medical marijuana treatment center's
21 license if the medical marijuana treatment center has not begun
22 dispensing marijuana by the date that the medical marijuana
23 treatment center is required to renew its license. The
24 department shall identify applicants with strong diversity plans
25 reflecting this state's commitment to diversity and implement
26 training programs and other educational programs to enable
27 minority persons and minority business enterprises, as defined
28 in s. 288.703, and veteran business enterprises, as defined in
29 s. 295.187, to compete for medical marijuana treatment center
30 licensure and contracts. Subject to the requirements in
31 subparagraphs (a)2.-4., the department shall issue a license to
32 an applicant if the applicant meets the requirements of this
33 section and pays the initial application fee. The department
34 shall renew the licensure of a medical marijuana treatment
35 center biennially if the licensee meets the requirements of this
36 section and pays the biennial renewal fee. An individual may not
37 be an applicant, owner, officer, board member, or manager on
38 more than one application for licensure as a medical marijuana

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39 treatment center. An individual or entity may not be awarded
40 more than one license as a medical marijuana treatment center.
41 An applicant for licensure as a medical marijuana treatment
42 center must demonstrate:

43 1. That, for the 5 consecutive years before submitting the
44 application, the applicant has been registered to do business in
45 the state.

46 2. Possession of a valid certificate of registration
47 issued by the Department of Agriculture and Consumer Services
48 pursuant to s. 581.131.

49 3. The technical and technological ability to cultivate
50 and produce marijuana, including, but not limited to, low-THC
51 cannabis.

52 4. The ability to secure the premises, resources, and
53 personnel necessary to operate as a medical marijuana treatment
54 center.

55 5. The ability to maintain accountability of all raw
56 materials, finished products, and any byproducts to prevent
57 diversion or unlawful access to or possession of these
58 substances.

59 6. An infrastructure reasonably located to dispense
60 marijuana to registered qualified patients statewide or
61 regionally as determined by the department.

62 7. The financial ability to maintain operations for the
63 duration of the 2-year approval cycle, including the provision

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64 of certified financial statements to the department.

65 a. Upon approval, the applicant must post a \$5 million
66 performance bond issued by an authorized surety insurance
67 company rated in one of the three highest rating categories by a
68 nationally recognized rating service. However, a medical
69 marijuana treatment center serving at least 1,000 qualified
70 patients is only required to maintain a \$2 million performance
71 bond.

72 b. In lieu of the performance bond required under sub-
73 subparagraph a., the applicant may provide an irrevocable letter
74 of credit payable to the department or provide cash to the
75 department. If provided with cash under this sub-subparagraph,
76 the department shall deposit the cash in the Grants and
77 Donations Trust Fund within the Department of Health, subject to
78 the same conditions as the bond regarding requirements for the
79 applicant to forfeit ownership of the funds. If the funds
80 deposited under this sub-subparagraph generate interest, the
81 amount of that interest shall be used by the department for the
82 administration of this section.

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

85 9. The employment of a medical director to supervise the
86 activities of the medical marijuana treatment center.

87 10. A diversity plan that promotes and ensures the
88 involvement of minority persons and minority business

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89 enterprises, as defined in s. 288.703, or veteran business
90 enterprises, as defined in s. 295.187, in ownership, management,
91 and employment. An applicant for licensure renewal must show the
92 effectiveness of the diversity plan by including the following
93 with his or her application for renewal:

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

96 b. Efforts to recruit minority persons and veterans for
97 employment; and

98 c. A record of contracts for services with minority
99 business enterprises and veteran business enterprises.

100 Section 6. The Office of Program Policy Analysis and
101 Government Accountability shall conduct a study examining
102 whether any qualified patient has been harmed by the use of
103 medical marijuana prescribed pursuant to s. 381.986, Florida
104 Statutes. The office shall report its findings to the Governor,
105 the President of the Senate, and the Speaker of the House of
106 Representatives by October 1, 2020.

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108
109 **T I T L E A M E N D M E N T**

110 Remove line 20 and insert:

111 Centers Program; amending s. 381.986; prohibiting the
112 department from renewing a medical marijuana treatment
113 center's license under certain circumstances;

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114 requiring the Office of Program Policy Analysis and
115 Government Accountability to conduct a study regarding
116 the use of medical marijuana by qualified patients;
117 requiring the office to report its findings to the
118 Governor and Legislature by a specified date; amending
119 s. 401.35, F.S.; revising

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