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LEGISLATIVE ACTION

Senate

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House

Floor: 2/AD/2R

04/22/2021 05:56 PM

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Senator Brandes moved the following:

1           **Senate Substitute for Amendment (554468) (with title**  
2 **amendment)**

3  
4           Delete line 1459

5 and insert:

6           Section 28. Effective July 1, 2022, paragraph (b) of  
7 subsection (8) of section 381.986, Florida Statutes, is amended  
8 to read:

9           381.986 Medical use of marijuana.—

10           (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

11           (b) An applicant for licensure as a medical marijuana



12 treatment center shall apply to the department on a form  
13 prescribed by the department and adopted in rule. The department  
14 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
15 establishing a procedure for the issuance and biennial renewal  
16 of licenses, including initial application and biennial renewal  
17 fees sufficient to cover the costs of implementing and  
18 administering this section, and establishing supplemental  
19 licensure fees for payment beginning May 1, 2018, sufficient to  
20 cover the costs of administering ss. 381.989 and 1004.4351. The  
21 department shall identify applicants with strong diversity plans  
22 reflecting this state's commitment to diversity and implement  
23 training programs and other educational programs to enable  
24 minority persons and minority business enterprises, as defined  
25 in s. 288.703, and veteran business enterprises, as defined in  
26 s. 295.187, to compete for medical marijuana treatment center  
27 licensure and contracts. Subject to the requirements in  
28 subparagraphs (a)2.-4., the department shall issue a license to  
29 an applicant if the applicant meets the requirements of this  
30 section and pays the initial application fee. The department  
31 shall renew the licensure of a medical marijuana treatment  
32 center biennially if the licensee meets the requirements of this  
33 section and pays the biennial renewal fee. However, the  
34 department may not renew the license of a medical marijuana  
35 treatment center that has not begun to cultivate, process, and  
36 dispense marijuana by the date that the medical marijuana  
37 treatment center is required to renew its license. An individual  
38 may not be an applicant, owner, officer, board member, or  
39 manager on more than one application for licensure as a medical  
40 marijuana treatment center. An individual or entity may not be



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41 awarded more than one license as a medical marijuana treatment  
42 center. An applicant for licensure as a medical marijuana  
43 treatment center must demonstrate:

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

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

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

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

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

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

63 7. The financial ability to maintain operations for the  
64 duration of the 2-year approval cycle, including the provision  
65 of certified financial statements to the department.

66 a. Upon approval, the applicant must post a \$5 million  
67 performance bond issued by an authorized surety insurance  
68 company rated in one of the three highest rating categories by a  
69 nationally recognized rating service. However, a medical



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70 marijuana treatment center serving at least 1,000 qualified  
71 patients is only required to maintain a \$2 million performance  
72 bond.

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

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

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

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

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

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



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

101           Section 29. Except as otherwise expressly provided in this  
102 act, this act shall take effect July 1, 2021.

103

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

105 And the title is amended as follows:

106           Delete line 103

107 and insert:

108           counselors; amending s. 381.986, F.S.; prohibiting the  
109           department from renewing a medical marijuana treatment  
110           center's license under certain circumstances;  
111           providing effective dates.