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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RS/2R

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04/22/2021 05:56 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Between lines 267 and 268

insert:

Section 6. 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



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



41 treatment center must demonstrate:

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

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

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

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

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

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

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

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



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70 bond.

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

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

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

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

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

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

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



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

101 And the title is amended as follows:

102 Delete line 28

103 and insert:

104 changes; amending s. 381.986, F.S.; prohibiting the
105 department from renewing a medical marijuana treatment
106 center's license under certain circumstances; creating
107 s. 395.3042, F.S.; requiring the