

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 and defining the term "medical marijuana  
5           retail facility"; prohibiting qualified physicians  
6           from being employed by or having an economic interest  
7           in a medical marijuana retail facility; revising  
8           provisions related to medical marijuana dispensing  
9           requirements to include dispensing by medical  
10          marijuana retail facilities; requiring that the  
11          medical marijuana use registry maintained by the  
12          Department of Health be accessible to medical  
13          marijuana retail facilities for certain verification  
14          purposes; prohibiting caregivers from being employed  
15          by or having an economic interest in a medical  
16          marijuana retail facility; providing that a medical  
17          marijuana retail facility is not subject to certain  
18          dispensing facility requirements; requiring the  
19          department's seed-to-sale marijuana tracking system to  
20          include data from medical marijuana retail facilities;  
21          requiring medical marijuana retail facilities to use  
22          the department's seed-to-sale marijuana tracking  
23          system, with an exception; prohibiting the vendor  
24          chosen by the department to operate the computer seed-  
25          to-sale marijuana tracking system from having a direct

26 | or an indirect financial interest in a medical  
27 | marijuana retail facility; authorizing, rather than  
28 | requiring, medical marijuana treatment centers to  
29 | cultivate, process, transport, and dispense marijuana  
30 | for medical use; deleting the prohibition against  
31 | medical marijuana treatment centers contracting for  
32 | dispensing of marijuana; deleting an exception to the  
33 | contracting prohibitions; authorizing a medical  
34 | marijuana treatment center to contract with a  
35 | specified number of medical marijuana retail  
36 | facilities; prohibiting a medical marijuana treatment  
37 | center from directly or indirectly owning or operating  
38 | a medical marijuana retail facility; authorizing  
39 | qualified patients to obtain marijuana from medical  
40 | marijuana retail facilities; requiring the department  
41 | to license medical marijuana retail facilities for a  
42 | specified purpose, by a specified date; requiring the  
43 | department to adopt certain rules; requiring that the  
44 | department identify applicants with strong diversity  
45 | plans and implement training and other educational  
46 | programs to enable certain minority persons and  
47 | enterprises to qualify for licensure; providing  
48 | requirements and procedures for the issuance and  
49 | renewal of licensure for medical marijuana retail  
50 | facilities; prohibiting an individual identified as an

51 applicant, an owner, an officer, a board member, or a  
52 manager from being listed as such on more than one  
53 application for licensure as a medical marijuana  
54 retail facility; prohibiting an individual or entity  
55 from being awarded more than one facility license;  
56 providing that each such license is valid for only one  
57 physical location; prohibiting a medical marijuana  
58 treatment center from being awarded a license to  
59 operate a medical marijuana retail facility; requiring  
60 that applicants demonstrate that they satisfy certain  
61 criteria; prohibiting a medical marijuana retail  
62 facility from making a wholesale purchase of marijuana  
63 from a medical marijuana treatment center and from  
64 transporting marijuana, marijuana delivery devices, or  
65 edibles; authorizing a medical marijuana retail  
66 facility to contract with only one medical marijuana  
67 treatment center; providing requirements for the  
68 transfer of ownership of a medical marijuana retail  
69 facility; prohibiting medical marijuana retail  
70 facilities and any individuals or entities that  
71 control or have a certain ownership or voting interest  
72 in such facilities from acquiring certain direct or  
73 indirect ownership or control of another medical  
74 marijuana retail facility; prohibiting certain profit-  
75 sharing arrangements; providing operational and

76 dispensing requirements and prohibitions for medical  
77 marijuana retail facilities; prohibiting a medical  
78 marijuana retail facility from engaging in Internet  
79 sales; prohibiting certain medical marijuana retail  
80 facility advertising and providing exceptions;  
81 requiring a medical marijuana retail facility to make  
82 specified information publicly available on its  
83 website; authorizing the department to adopt rules;  
84 requiring the department to conduct periodic  
85 inspections of medical marijuana retail facilities;  
86 requiring the department to publish on its website a  
87 list of all approved medical marijuana retail  
88 facilities; authorizing the department to impose fines  
89 on medical marijuana retail facilities for specified  
90 violations; authorizing the department to suspend,  
91 revoke, or refuse to renew the license of a medical  
92 marijuana retail facility under certain circumstances;  
93 authorizing counties and municipalities to, by  
94 ordinance, ban medical marijuana retail facilities  
95 from being located within their boundaries or  
96 determine the criteria for the location of, and other  
97 permitting requirements for, the facilities, under  
98 certain circumstances; prohibiting certain counties  
99 and municipalities from limiting the number of medical  
100 marijuana retail facilities that may locate within

101 their boundaries; prohibiting medical marijuana retail  
102 facilities from being located within a specified  
103 distance from school properties; providing  
104 construction; revising criminal penalties for persons  
105 or entities that engage in specified unlicensed  
106 activities; providing that a medical marijuana retail  
107 facility and its owners, managers, and employees are  
108 exempt from prosecution for certain offenses and from  
109 other specified regulations and requirements; amending  
110 s. 381.987, F.S.; requiring the department to allow a  
111 medical marijuana retail facility to access  
112 confidential and exempt information in the medical  
113 marijuana use registry for certain verification  
114 purposes; providing an effective date.

115

116 Be It Enacted by the Legislature of the State of Florida:

117

118 Section 1. Present subsections (9) through (17) of section  
119 381.986, Florida Statutes, are redesignated as subsections (10)  
120 through (18), respectively, a new subsection (9) is added to  
121 that section, and subsections (1) and (3), paragraph (f) of  
122 subsection (4), paragraphs (a) and (f) of subsection (5),  
123 paragraph (b) of subsection (6), subsection (8), and present  
124 subsections (10), (11), (12), and (14) of that section are  
125 amended, to read:

126 381.986 Medical use of marijuana.—

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

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

132 (b) "Chronic nonmalignant pain" means pain that is caused  
 133 by a qualifying medical condition or that originates from a  
 134 qualifying medical condition and persists beyond the usual  
 135 course of that qualifying medical condition.

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

139 (d) "Edibles" means commercially produced food items made  
 140 with marijuana oil, but no other form of marijuana, which ~~that~~  
 141 are produced and dispensed by a medical marijuana treatment  
 142 center or dispensed by a medical marijuana retail facility.

143 (e) "Low-THC cannabis" means a plant of the genus  
 144 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
 145 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
 146 weight for weight; the seeds thereof; the resin extracted from  
 147 any part of such plant; or any compound, manufacture, salt,  
 148 derivative, mixture, or preparation of such plant or its seeds  
 149 or resin that is dispensed from a medical marijuana treatment  
 150 center or a medical marijuana retail facility.

151 (f) "Marijuana" means all parts of any plant of the genus  
152 *Cannabis*, whether growing or not; the seeds thereof; the resin  
153 extracted from any part of the plant; and every compound,  
154 manufacture, salt, derivative, mixture, or preparation of the  
155 plant or its seeds or resin, including low-THC cannabis, which  
156 are dispensed from a medical marijuana treatment center or a  
157 medical marijuana retail facility for medical use by a qualified  
158 patient.

159 (g) "Marijuana delivery device" means an object used,  
160 intended for use, or designed for use in preparing, storing,  
161 ingesting, inhaling, or otherwise introducing marijuana into the  
162 human body, and which is dispensed from a medical marijuana  
163 treatment center or a medical marijuana retail facility for  
164 medical use by a qualified patient, except that delivery devices  
165 intended for the medical use of marijuana by smoking need not be  
166 dispensed from a medical marijuana treatment center or a medical  
167 marijuana retail facility in order to qualify as marijuana  
168 delivery devices.

169 (h) "Marijuana testing laboratory" means a facility that  
170 collects and analyzes marijuana samples from a medical marijuana  
171 treatment center and has been certified by the department  
172 pursuant to s. 381.988.

173 (i) "Medical director" means a person who holds an active,  
174 unrestricted license as an allopathic physician under chapter  
175 458 or osteopathic physician under chapter 459 and is in

176 | compliance with the requirements of paragraph (3) (c).

177 |        (j) "Medical marijuana retail facility" means a facility  
 178 | licensed by the department pursuant to subsection (9) to  
 179 | dispense medical marijuana and marijuana delivery devices  
 180 | acquired from a licensed medical marijuana treatment center to  
 181 | qualified patients and caregivers.

182 |        ~~(k)~~ ~~(j)~~ "Medical use" means the acquisition, possession,  
 183 | use, delivery, transfer, or administration of marijuana  
 184 | authorized by a physician certification. The term does not  
 185 | include:

186 |           1. Possession, use, or administration of marijuana that  
 187 | was not purchased or acquired from a medical marijuana treatment  
 188 | center or a medical marijuana retail facility.

189 |           2. Possession, use, or administration of marijuana in the  
 190 | form of commercially produced food items other than edibles or  
 191 | of marijuana seeds.

192 |           3. Use or administration of any form or amount of  
 193 | marijuana in a manner that is inconsistent with the qualified  
 194 | physician's directions or physician certification.

195 |           4. Transfer of marijuana to a person other than the  
 196 | qualified patient for whom it was authorized or the qualified  
 197 | patient's caregiver on behalf of the qualified patient.

198 |           5. Use or administration of marijuana in the following  
 199 | locations:

200 |           a. On any form of public transportation, except for low-



201 | THC cannabis not in a form for smoking.

202 |       b. In any public place, except for low-THC cannabis not in  
203 | a form for smoking.

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

206 |       d. In a state correctional institution, as defined in s.  
207 | 944.02, or a correctional institution, as defined in s. 944.241.

208 |       e. On the grounds of a preschool, primary school, or  
209 | secondary school, except as provided in s. 1006.062.

210 |       f. In a school bus, a vehicle, an aircraft, or a  
211 | motorboat, except for low-THC cannabis not in a form for  
212 | smoking.

213 |       6. The smoking of marijuana in an enclosed indoor  
214 | workplace as defined in s. 386.203(5).

215 |       (1)~~(\*)~~ "Physician certification" means a qualified  
216 | physician's authorization for a qualified patient to receive  
217 | marijuana and a marijuana delivery device from a medical  
218 | marijuana treatment center or a medical marijuana retail  
219 | facility.

220 |       (m)~~(l)~~ "Qualified patient" means a resident of this state  
221 | who has been added to the medical marijuana use registry by a  
222 | qualified physician to receive marijuana or a marijuana delivery  
223 | device for a medical use and who has a qualified patient  
224 | identification card.

225 |       (n)~~(m)~~ "Qualified physician" means a person who holds an

226 active, unrestricted license as an allopathic physician under  
227 chapter 458 or as an osteopathic physician under chapter 459 and  
228 is in compliance with the physician education requirements of  
229 subsection (3).

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

232 (p)~~(o)~~ "Terminal condition" means a progressive disease or  
233 medical or surgical condition that causes significant functional  
234 impairment, is not considered by a treating physician to be  
235 reversible without the administration of life-sustaining  
236 procedures, and will result in death within 1 year after  
237 diagnosis if the condition runs its normal course.

238 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

239 (a) Before being approved as a qualified physician, as  
240 defined in paragraph (1)(n) ~~paragraph (1)(m)~~, and before each  
241 license renewal, a physician must successfully complete a 2-hour  
242 course and subsequent examination offered by the Florida Medical  
243 Association or the Florida Osteopathic Medical Association which  
244 encompass the requirements of this section and any rules adopted  
245 hereunder. The course and examination shall be administered at  
246 least annually and may be offered in a distance learning format,  
247 including an electronic, online format that is available upon  
248 request. The price of the course may not exceed \$500. A  
249 physician who has met the physician education requirements of  
250 former s. 381.986(4), Florida Statutes 2016, before June 23,

251 2017, shall be deemed to be in compliance with this paragraph  
252 from June 23, 2017, until 90 days after the course and  
253 examination required by this paragraph become available.

254 (b) A qualified physician may not be employed by, or have  
255 any direct or indirect economic interest in, a medical marijuana  
256 treatment center, a medical marijuana retail facility, or a  
257 marijuana testing laboratory.

258 (c) Before being employed as a medical director, as  
259 defined in paragraph (1)(i), and before each license renewal, a  
260 medical director must successfully complete a 2-hour course and  
261 subsequent examination offered by the Florida Medical  
262 Association or the Florida Osteopathic Medical Association which  
263 encompass the requirements of this section and any rules adopted  
264 hereunder. The course and examination shall be administered at  
265 least annually and may be offered in a distance learning format,  
266 including an electronic, online format that is available upon  
267 request. The price of the course may not exceed \$500.

268 (4) PHYSICIAN CERTIFICATION.—

269 (f) A qualified physician may not issue a physician  
270 certification for more than three 70-day supply limits of  
271 marijuana or more than six 35-day supply limits of marijuana in  
272 a form for smoking. The department shall quantify by rule a  
273 daily dose amount with equivalent dose amounts for each  
274 allowable form of marijuana dispensed by a medical marijuana  
275 treatment center or a medical marijuana retail facility. The

276 department shall use the daily dose amount to calculate a 70-day  
277 supply.

278 1. A qualified physician may request an exception to the  
279 daily dose amount limit, the 35-day supply limit of marijuana in  
280 a form for smoking, and the 4-ounce possession limit of  
281 marijuana in a form for smoking established in paragraph (15) (a)  
282 ~~(14) (a)~~. The request shall be made electronically on a form  
283 adopted by the department in rule and must include, at a  
284 minimum:

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

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

288 c. A description of how the patient will benefit from an  
289 increased amount.

290 d. The minimum daily dose amount of marijuana that would  
291 be sufficient for the treatment of the qualified patient's  
292 qualifying medical condition.

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

295 3. The department shall approve or disapprove the request  
296 within 14 days after receipt of the complete documentation  
297 required by this paragraph. The request shall be deemed approved  
298 if the department fails to act within this time period.

299 (5) MEDICAL MARIJUANA USE REGISTRY.—

300 (a) The department shall create and maintain a secure,

301 | electronic, and online medical marijuana use registry for  
302 | physicians, patients, and caregivers as provided under this  
303 | section. The medical marijuana use registry must be accessible  
304 | to law enforcement agencies, qualified physicians, ~~and~~ medical  
305 | marijuana treatment centers, and medical marijuana retail  
306 | facilities to verify the authorization of a qualified patient or  
307 | a caregiver to possess marijuana or a marijuana delivery device  
308 | and record the marijuana or marijuana delivery device dispensed.  
309 | The medical marijuana use registry must also be accessible to  
310 | practitioners licensed to prescribe prescription drugs to ensure  
311 | proper care for patients before medications that may interact  
312 | with the medical use of marijuana are prescribed. The medical  
313 | marijuana use registry must prevent an active registration of a  
314 | qualified patient by multiple physicians.

315 |       (f) The department may revoke the registration of a  
316 | qualified patient or caregiver who cultivates marijuana or who  
317 | acquires, possesses, or delivers marijuana from any person or  
318 | entity other than a medical marijuana treatment center or a  
319 | medical marijuana retail facility.

320 |       (6) CAREGIVERS.—

321 |       (b) A caregiver must:

322 |       1. Not be a qualified physician and not be employed by or  
323 | have an economic interest in a medical marijuana treatment  
324 | center, a medical marijuana retail facility, or a marijuana  
325 | testing laboratory.

326           2. Be 21 years of age or older and a resident of this  
327 state.

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

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

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

337           6. Pass a background screening pursuant to subsection (10)  
338 ~~subsection (9)~~, unless the patient is a close relative of the  
339 caregiver.

340           (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

341           (a) The department shall license medical marijuana  
342 treatment centers to ensure reasonable statewide accessibility  
343 and availability as necessary for qualified patients registered  
344 in the medical marijuana use registry and who are issued a  
345 physician certification under this section.

346           1. As soon as practicable, but no later than July 3, 2017,  
347 the department shall license as a medical marijuana treatment  
348 center any entity that holds an active, unrestricted license to  
349 cultivate, process, transport, and dispense low-THC cannabis,  
350 medical cannabis, and cannabis delivery devices, under former s.

351 381.986, Florida Statutes 2016, before July 1, 2017, and which  
352 meets the requirements of this section. In addition to the  
353 authority granted under this section, these entities are  
354 authorized to dispense low-THC cannabis, medical cannabis, and  
355 cannabis delivery devices ordered pursuant to former s. 381.986,  
356 Florida Statutes 2016, which were entered into the compassionate  
357 use registry before July 1, 2017, and are authorized to begin  
358 dispensing marijuana under this section on July 3, 2017. The  
359 department may grant variances from the representations made in  
360 such an entity's original application for approval under former  
361 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

365 a. As soon as practicable, but no later than August 1,  
366 2017, the department shall license any applicant whose  
367 application was reviewed, evaluated, and scored by the  
368 department and which was denied a dispensing organization  
369 license by the department under former s. 381.986, Florida  
370 Statutes 2014; which had one or more administrative or judicial  
371 challenges pending as of January 1, 2017, or had a final ranking  
372 within one point of the highest final ranking in its region  
373 under former s. 381.986, Florida Statutes 2014; which meets the  
374 requirements of this section; and which provides documentation  
375 to the department that it has the existing infrastructure and

376 technical and technological ability to begin cultivating  
377 marijuana within 30 days after registration as a medical  
378 marijuana treatment center.

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

385 c. As soon as practicable, but no later than October 3,  
386 2017, the department shall license applicants that meet the  
387 requirements of this section in sufficient numbers to result in  
388 10 total licenses issued under this subparagraph, while  
389 accounting for the number of licenses issued under sub-  
390 subparagraphs a. and b.

391 3. For up to two of the licenses issued under subparagraph  
392 2., the department shall give preference to applicants that  
393 demonstrate in their applications that they own one or more  
394 facilities that are, or were, used for the canning,  
395 concentrating, or otherwise processing of citrus fruit or citrus  
396 molasses and will use or convert the facility or facilities for  
397 the processing of marijuana.

398 4. Within 6 months after the registration of 100,000  
399 active qualified patients in the medical marijuana use registry,  
400 the department shall license four additional medical marijuana



401 treatment centers that meet the requirements of this section.  
402 Thereafter, the department shall license four medical marijuana  
403 treatment centers within 6 months after the registration of each  
404 additional 100,000 active qualified patients in the medical  
405 marijuana use registry that meet the requirements of this  
406 section.

407 5. Dispensing facilities are subject to the following  
408 requirements:

409 a. A medical marijuana treatment center may not establish  
410 or operate more than a statewide maximum of 25 dispensing  
411 facilities, unless the medical marijuana use registry reaches a  
412 total of 100,000 active registered qualified patients. When the  
413 medical marijuana use registry reaches 100,000 active registered  
414 qualified patients, and then upon each further instance of the  
415 total active registered qualified patients increasing by  
416 100,000, the statewide maximum number of dispensing facilities  
417 that each licensed medical marijuana treatment center may  
418 establish and operate increases by five.

419 b. A medical marijuana treatment center may not establish  
420 more than the maximum number of dispensing facilities allowed in  
421 each of the Northwest, Northeast, Central, Southwest, and  
422 Southeast Regions. The department shall determine a medical  
423 marijuana treatment center's maximum number of dispensing  
424 facilities allowed in each region by calculating the percentage  
425 of the total statewide population contained within that region

426 and multiplying that percentage by the medical marijuana  
427 treatment center's statewide maximum number of dispensing  
428 facilities established under sub-subparagraph a., rounded to the  
429 nearest whole number. The department shall ensure that such  
430 rounding does not cause a medical marijuana treatment center's  
431 total number of statewide dispensing facilities to exceed its  
432 statewide maximum. The department shall initially calculate the  
433 maximum number of dispensing facilities allowed in each region  
434 for each medical marijuana treatment center using county  
435 population estimates from the Florida Estimates of Population  
436 2016, as published by the Office of Economic and Demographic  
437 Research, and shall perform recalculations following the  
438 official release of county population data resulting from each  
439 United States Decennial Census. For the purposes of this  
440 subparagraph:

441 (I) The Northwest Region consists of Bay, Calhoun,  
442 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,  
443 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
444 Walton, and Washington Counties.

445 (II) The Northeast Region consists of Alachua, Baker,  
446 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,  
447 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,  
448 Suwannee, and Union Counties.

449 (III) The Central Region consists of Brevard, Citrus,  
450 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,

451 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia  
452 Counties.

453 (IV) The Southwest Region consists of Charlotte, Collier,  
454 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,  
455 Okeechobee, and Sarasota Counties.

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

458 c. If a medical marijuana treatment center establishes a  
459 number of dispensing facilities within a region that is less  
460 than the number allowed for that region under sub-subparagraph  
461 b., the medical marijuana treatment center may sell one or more  
462 of its unused dispensing facility slots to other licensed  
463 medical marijuana treatment centers. For each dispensing  
464 facility slot that a medical marijuana treatment center sells,  
465 that medical marijuana treatment center's statewide maximum  
466 number of dispensing facilities, as determined under sub-  
467 subparagraph a., is reduced by one. The statewide maximum number  
468 of dispensing facilities for a medical marijuana treatment  
469 center that purchases an unused dispensing facility slot is  
470 increased by one per slot purchased. Additionally, the sale of a  
471 dispensing facility slot shall reduce the seller's regional  
472 maximum and increase the purchaser's regional maximum number of  
473 dispensing facilities, as determined in sub-subparagraph b., by  
474 one for that region. For any slot purchased under this sub-  
475 subparagraph, the regional restriction applied to that slot's

476 location under sub-subparagraph b. before the purchase shall  
477 remain in effect following the purchase. A medical marijuana  
478 treatment center that sells or purchases a dispensing facility  
479 slot must notify the department within 3 days of sale.

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

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

483

484 If this subparagraph or its application to any person or  
485 circumstance is held invalid, the invalidity does not affect  
486 other provisions or applications of this act which can be given  
487 effect without the invalid provision or application, and to this  
488 end, the provisions of this subparagraph are severable.

489 (b) An applicant for licensure as a medical marijuana  
490 treatment center shall apply to the department on a form  
491 prescribed by the department and adopted in rule. The department  
492 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
493 establishing a procedure for the issuance and biennial renewal  
494 of licenses, including initial application and biennial renewal  
495 fees sufficient to cover the costs of implementing and  
496 administering this section, and establishing supplemental  
497 licensure fees for payment beginning May 1, 2018, sufficient to  
498 cover the costs of administering ss. 381.989 and 1004.4351. The  
499 department shall identify applicants with strong diversity plans  
500 reflecting this state's commitment to diversity and implement

501 training programs and other educational programs to enable  
502 minority persons and minority business enterprises, as defined  
503 in s. 288.703, and veteran business enterprises, as defined in  
504 s. 295.187, to compete for medical marijuana treatment center  
505 licensure and contracts. Subject to the requirements in  
506 subparagraphs (a)2.-4., the department shall issue a license to  
507 an applicant if the applicant meets the requirements of this  
508 section and pays the initial application fee. The department  
509 shall renew the licensure of a medical marijuana treatment  
510 center biennially if the licensee meets the requirements of this  
511 section and pays the biennial renewal fee. An individual may not  
512 be an applicant, owner, officer, board member, or manager on  
513 more than one application for licensure as a medical marijuana  
514 treatment center. An individual or entity may not be awarded  
515 more than one license as a medical marijuana treatment center.  
516 An applicant for licensure as a medical marijuana treatment  
517 center must demonstrate:

518 1. That, for the 5 consecutive years before submitting the  
519 application, the applicant has been registered to do business in  
520 the state.

521 2. Possession of a valid certificate of registration  
522 issued by the Department of Agriculture and Consumer Services  
523 pursuant to s. 581.131.

524 3. The technical and technological ability to cultivate  
525 and produce marijuana, including, but not limited to, low-THC

526 | cannabis.

527 |         4. The ability to secure the premises, resources, and  
528 | personnel necessary to operate as a medical marijuana treatment  
529 | center.

530 |         5. The ability to maintain accountability of all raw  
531 | materials, finished products, and any byproducts to prevent  
532 | diversion or unlawful access to or possession of these  
533 | substances.

534 |         6. An infrastructure reasonably located to dispense  
535 | marijuana to registered qualified patients statewide or  
536 | regionally as determined by the department.

537 |         7. The financial ability to maintain operations for the  
538 | duration of the 2-year approval cycle, including the provision  
539 | of certified financial statements to the department.

540 |             a. Upon approval, the applicant must post a \$5 million  
541 | performance bond issued by an authorized surety insurance  
542 | company rated in one of the three highest rating categories by a  
543 | nationally recognized rating service. However, a medical  
544 | marijuana treatment center serving at least 1,000 qualified  
545 | patients is only required to maintain a \$2 million performance  
546 | bond.

547 |             b. In lieu of the performance bond required under sub-  
548 | subparagraph a., the applicant may provide an irrevocable letter  
549 | of credit payable to the department or provide cash to the  
550 | department. If provided with cash under this sub-subparagraph,

551 the department shall deposit the cash in the Grants and  
552 Donations Trust Fund within the Department of Health, subject to  
553 the same conditions as the bond regarding requirements for the  
554 applicant to forfeit ownership of the funds. If the funds  
555 deposited under this sub-subparagraph generate interest, the  
556 amount of that interest shall be used by the department for the  
557 administration of this section.

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

561 9. The employment of a medical director to supervise the  
562 activities of the medical marijuana treatment center.

563 10. A diversity plan that promotes and ensures the  
564 involvement of minority persons and minority business  
565 enterprises, as defined in s. 288.703, or veteran business  
566 enterprises, as defined in s. 295.187, in ownership, management,  
567 and employment. An applicant for licensure renewal must show the  
568 effectiveness of the diversity plan by including the following  
569 with his or her application for renewal:

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

572 b. Efforts to recruit minority persons and veterans for  
573 employment; and

574 c. A record of contracts for services with minority  
575 business enterprises and veteran business enterprises.

576 (c) A medical marijuana treatment center may not make a  
577 wholesale purchase of marijuana from, or a distribution of  
578 marijuana to, another medical marijuana treatment center, unless  
579 the medical marijuana treatment center seeking to make a  
580 wholesale purchase of marijuana submits proof of harvest failure  
581 to the department.

582 (d) The department shall establish, maintain, and control  
583 a computer software tracking system that traces marijuana from  
584 seed to sale and allows real-time, 24-hour access by the  
585 department to data from all medical marijuana treatment centers,  
586 medical marijuana retail facilities, and marijuana testing  
587 laboratories. The tracking system must allow for integration of  
588 other seed-to-sale systems and, at a minimum, include  
589 notification of when marijuana seeds are planted, when marijuana  
590 plants are harvested and destroyed, and when marijuana is  
591 transported, sold, stolen, diverted, or lost. Each medical  
592 marijuana treatment center and each medical marijuana retail  
593 facility shall use the seed-to-sale tracking system established  
594 by the department or integrate its own seed-to-sale tracking  
595 system with the seed-to-sale tracking system established by the  
596 department. Each medical marijuana treatment center and each  
597 medical marijuana retail facility may use its own seed-to-sale  
598 system until the department establishes a seed-to-sale tracking  
599 system. The department may contract with a vendor to establish  
600 the seed-to-sale tracking system. The vendor selected by the



601 department may not have a contractual relationship with the  
602 department to perform any services pursuant to this section  
603 other than the seed-to-sale tracking system. The vendor may not  
604 have a direct or indirect financial interest in a medical  
605 marijuana treatment center, a medical marijuana retail facility,  
606 or a marijuana testing laboratory.

607 (e) A licensed medical marijuana treatment center may  
608 ~~shall~~ cultivate, process, transport, and dispense marijuana for  
609 medical use. A licensed medical marijuana treatment center may  
610 not contract for services directly related to the cultivation  
611 and, ~~processing, and dispensing~~ of marijuana or marijuana  
612 ~~delivery devices.~~ except that A medical marijuana treatment  
613 center licensed pursuant to subparagraph (a)1. may contract with  
614 no more than 10 licensed medical marijuana retail facilities to  
615 dispense ~~a single entity for the cultivation, processing,~~  
616 ~~transporting, and dispensing of marijuana,~~ and marijuana  
617 ~~delivery devices,~~ and edibles pursuant to subsection (9). A  
618 licensed medical marijuana treatment center must, at all times,  
619 maintain compliance with the criteria demonstrated and  
620 representations made in the initial application and the criteria  
621 established in this subsection. Upon request, the department may  
622 grant a medical marijuana treatment center a variance from the  
623 representations made in the initial application. Consideration  
624 of such a request shall be based upon the individual facts and  
625 circumstances surrounding the request. A variance may not be

626 granted unless the requesting medical marijuana treatment center  
627 can demonstrate to the department that it has a proposed  
628 alternative to the specific representation made in its  
629 application which fulfills the same or a similar purpose as the  
630 specific representation in a way that the department can  
631 reasonably determine will not be a lower standard than the  
632 specific representation in the application. A variance may not  
633 be granted from the requirements in subparagraph 2. and  
634 subparagraphs (b)1. and 2.

635 1. A licensed medical marijuana treatment center may  
636 transfer ownership to an individual or entity who meets the  
637 requirements of this section. A publicly traded corporation or  
638 publicly traded company that meets the requirements of this  
639 section is not precluded from ownership of a medical marijuana  
640 treatment center. To accommodate a change in ownership:

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

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

648 c. Upon receipt of an application for a license, the  
649 department shall examine the application and, within 30 days  
650 after receipt, notify the applicant in writing of any apparent

651 errors or omissions and request any additional information  
652 required.

653 d. Requested information omitted from an application for  
654 licensure must be filed with the department within 21 days after  
655 the department's request for omitted information or the  
656 application shall be deemed incomplete and shall be withdrawn  
657 from further consideration and the fees shall be forfeited.

658  
659 Within 30 days after the receipt of a complete application, the  
660 department shall approve or deny the application.

661 2. A medical marijuana treatment center, and any  
662 individual or entity who directly or indirectly owns, controls,  
663 or holds with power to vote 5 percent or more of the voting  
664 shares of a medical marijuana treatment center, may not acquire  
665 direct or indirect ownership or control of any voting shares or  
666 other form of ownership of any other medical marijuana treatment  
667 center. A medical marijuana treatment center may not directly or  
668 indirectly own or operate a medical marijuana retail facility.

669 3. A medical marijuana treatment center may not enter into  
670 any form of profit-sharing arrangement with the property owner  
671 or lessor of any of its facilities where cultivation,  
672 processing, storing, or dispensing of marijuana and marijuana  
673 delivery devices occurs.

674 4. All employees of a medical marijuana treatment center  
675 must be 21 years of age or older and have passed a background

676 screening pursuant to subsection (10) ~~subsection (9)~~.

677 5. Each medical marijuana treatment center must adopt and  
678 enforce policies and procedures to ensure employees and  
679 volunteers receive training on the legal requirements to  
680 dispense marijuana to qualified patients.

681 6. When growing marijuana, a medical marijuana treatment  
682 center:

683 a. May use pesticides determined by the department, after  
684 consultation with the Department of Agriculture and Consumer  
685 Services, to be safely applied to plants intended for human  
686 consumption, but may not use pesticides designated as  
687 restricted-use pesticides pursuant to s. 487.042.

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

690 c. Must inspect seeds and growing plants for plant pests  
691 that endanger or threaten the horticultural and agricultural  
692 interests of the state in accordance with chapter 581 and any  
693 rules adopted thereunder.

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

697 7. Each medical marijuana treatment center must produce  
698 and make available for purchase at least one low-THC cannabis  
699 product.

700 8. A medical marijuana treatment center that produces

701 edibles must hold a permit to operate as a food establishment  
702 pursuant to chapter 500, the Florida Food Safety Act, and must  
703 comply with all the requirements for food establishments  
704 pursuant to chapter 500 and any rules adopted thereunder.  
705 Edibles may not contain more than 200 milligrams of  
706 tetrahydrocannabinol, and a single serving portion of an edible  
707 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
708 may have a potency variance of no greater than 15 percent.  
709 Edibles may not be attractive to children; be manufactured in  
710 the shape of humans, cartoons, or animals; be manufactured in a  
711 form that bears any reasonable resemblance to products available  
712 for consumption as commercially available candy; or contain any  
713 color additives. To discourage consumption of edibles by  
714 children, the department shall determine by rule any shapes,  
715 forms, and ingredients allowed and prohibited for edibles.  
716 Medical marijuana treatment centers may not begin processing or  
717 dispensing edibles until after the effective date of the rule.  
718 The department shall also adopt sanitation rules providing the  
719 standards and requirements for the storage, display, or  
720 dispensing of edibles.

721 9. Within 12 months after licensure, a medical marijuana  
722 treatment center must demonstrate to the department that all of  
723 its processing facilities have passed a Food Safety Good  
724 Manufacturing Practices, such as Global Food Safety Initiative  
725 or equivalent, inspection by a nationally accredited certifying

726 | body. A medical marijuana treatment center must immediately stop  
 727 | processing at any facility which fails to pass this inspection  
 728 | until it demonstrates to the department that such facility has  
 729 | met this requirement.

730 |       10. A medical marijuana treatment center that produces  
 731 | prerolled marijuana cigarettes may not use wrapping paper made  
 732 | with tobacco or hemp.

733 |       11. When processing marijuana, a medical marijuana  
 734 | treatment center must:

735 |           a. Process the marijuana within an enclosed structure and  
 736 | in a room separate from other plants or products.

737 |           b. Comply with department rules when processing marijuana  
 738 | with hydrocarbon solvents or other solvents or gases exhibiting  
 739 | potential toxicity to humans. The department shall determine by  
 740 | rule the requirements for medical marijuana treatment centers to  
 741 | use such solvents or gases exhibiting potential toxicity to  
 742 | humans.

743 |           c. Comply with federal and state laws and regulations and  
 744 | department rules for solid and liquid wastes. The department  
 745 | shall determine by rule procedures for the storage, handling,  
 746 | transportation, management, and disposal of solid and liquid  
 747 | waste generated during marijuana production and processing. The  
 748 | Department of Environmental Protection shall assist the  
 749 | department in developing such rules.

750 |           d. Test the processed marijuana using a medical marijuana

751 testing laboratory before it is dispensed. Results must be  
752 verified and signed by two medical marijuana treatment center  
753 employees. Before dispensing, the medical marijuana treatment  
754 center must determine that the test results indicate that low-  
755 THC cannabis meets the definition of low-THC cannabis, the  
756 concentration of tetrahydrocannabinol meets the potency  
757 requirements of this section, the labeling of the concentration  
758 of tetrahydrocannabinol and cannabidiol is accurate, and all  
759 marijuana is safe for human consumption and free from  
760 contaminants that are unsafe for human consumption. The  
761 department shall determine by rule which contaminants must be  
762 tested for and the maximum levels of each contaminant which are  
763 safe for human consumption. The Department of Agriculture and  
764 Consumer Services shall assist the department in developing the  
765 testing requirements for contaminants that are unsafe for human  
766 consumption in edibles. The department shall also determine by  
767 rule the procedures for the treatment of marijuana that fails to  
768 meet the testing requirements of this section, s. 381.988, or  
769 department rule. The department may select a random sample from  
770 edibles available for purchase in a dispensing facility which  
771 shall be tested by the department to determine that the edible  
772 meets the potency requirements of this section, is safe for  
773 human consumption, and the labeling of the tetrahydrocannabinol  
774 and cannabidiol concentration is accurate. A medical marijuana  
775 treatment center may not require payment from the department for

776 the sample. A medical marijuana treatment center must recall  
777 edibles, including all edibles made from the same batch of  
778 marijuana, which fail to meet the potency requirements of this  
779 section, which are unsafe for human consumption, or for which  
780 the labeling of the tetrahydrocannabinol and cannabidiol  
781 concentration is inaccurate. The medical marijuana treatment  
782 center must retain records of all testing and samples of each  
783 homogenous batch of marijuana for at least 9 months. The medical  
784 marijuana treatment center must contract with a marijuana  
785 testing laboratory to perform audits on the medical marijuana  
786 treatment center's standard operating procedures, testing  
787 records, and samples and provide the results to the department  
788 to confirm that the marijuana or low-THC cannabis meets the  
789 requirements of this section and that the marijuana or low-THC  
790 cannabis is safe for human consumption. A medical marijuana  
791 treatment center shall reserve two processed samples from each  
792 batch and retain such samples for at least 9 months for the  
793 purpose of such audits. A medical marijuana treatment center may  
794 use a laboratory that has not been certified by the department  
795 under s. 381.988 until such time as at least one laboratory  
796 holds the required certification, but in no event later than  
797 July 1, 2018.

798 e. Package the marijuana in compliance with the United  
799 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
800 1471 et seq.



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

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

805 (II) The name of the medical marijuana treatment center  
 806 from which the marijuana originates.

807 (III) The batch number and harvest number from which the  
 808 marijuana originates and the date dispensed.

809 (IV) The name of the physician who issued the physician  
 810 certification.

811 (V) The name of the patient.

812 (VI) The product name, if applicable, and dosage form,  
 813 including concentration of tetrahydrocannabinol and cannabidiol.  
 814 The product name may not contain wording commonly associated  
 815 with products marketed by or to children.

816 (VII) The recommended dose.

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

819 (IX) A marijuana universal symbol developed by the  
 820 department.

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

824 a. Clinical pharmacology.

825 b. Indications and use.

826 c. Dosage and administration.

827 d. Dosage forms and strengths.

828 e. Contraindications.

829 f. Warnings and precautions.

830 g. Adverse reactions.

831 13. In addition to the packaging and labeling requirements  
 832 specified in subparagraphs 11. and 12., marijuana in a form for  
 833 smoking must be packaged in a sealed receptacle with a legible  
 834 and prominent warning to keep away from children and a warning  
 835 that states marijuana smoke contains carcinogens and may  
 836 negatively affect health. Such receptacles for marijuana in a  
 837 form for smoking must be plain, opaque, and white without  
 838 depictions of the product or images other than the medical  
 839 marijuana treatment center's department-approved logo and the  
 840 marijuana universal symbol.

841 14. The department shall adopt rules to regulate the  
 842 types, appearance, and labeling of marijuana delivery devices  
 843 dispensed from a medical marijuana treatment center. The rules  
 844 must require marijuana delivery devices to have an appearance  
 845 consistent with medical use.

846 15. Each edible shall be individually sealed in plain,  
 847 opaque wrapping marked only with the marijuana universal symbol.  
 848 Where practical, each edible shall be marked with the marijuana  
 849 universal symbol. In addition to the packaging and labeling  
 850 requirements in subparagraphs 11. and 12., edible receptacles

851 must be plain, opaque, and white without depictions of the  
852 product or images other than the medical marijuana treatment  
853 center's department-approved logo and the marijuana universal  
854 symbol. The receptacle must also include a list of all the  
855 edible's ingredients, storage instructions, an expiration date,  
856 a legible and prominent warning to keep away from children and  
857 pets, and a warning that the edible has not been produced or  
858 inspected pursuant to federal food safety laws.

859 16. When dispensing marijuana or a marijuana delivery  
860 device, a medical marijuana treatment center:

861 a. May dispense any active, valid order for low-THC  
862 cannabis, medical cannabis, and cannabis delivery devices issued  
863 pursuant to former s. 381.986, Florida Statutes 2016, which was  
864 entered into the medical marijuana use registry before July 1,  
865 2017.

866 b. May not dispense more than a 70-day supply of marijuana  
867 within any 70-day period to a qualified patient or caregiver.  
868 May not dispense more than one 35-day supply of marijuana in a  
869 form for smoking within any 35-day period to a qualified patient  
870 or caregiver. A 35-day supply of marijuana in a form for smoking  
871 may not exceed 2.5 ounces unless an exception to this amount is  
872 approved by the department pursuant to paragraph (4)(f).

873 c. Must have the medical marijuana treatment center's  
874 employee who dispenses the marijuana or a marijuana delivery  
875 device enter into the medical marijuana use registry his or her

876 name or unique employee identifier.

877 d. Must verify that the qualified patient and the  
878 caregiver, if applicable, each have an active registration in  
879 the medical marijuana use registry and an active and valid  
880 medical marijuana use registry identification card, the amount  
881 and type of marijuana dispensed matches the physician  
882 certification in the medical marijuana use registry for that  
883 qualified patient, and the physician certification has not  
884 already been filled.

885 e. May not dispense marijuana to a qualified patient who  
886 is younger than 18 years of age. If the qualified patient is  
887 younger than 18 years of age, marijuana may ~~only~~ be dispensed  
888 only to the qualified patient's caregiver.

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

894 g. Must, upon dispensing the marijuana or marijuana  
895 delivery device, record in the registry the date, time,  
896 quantity, and form of marijuana dispensed; the type of marijuana  
897 delivery device dispensed; and the name and medical marijuana  
898 use registry identification number of the qualified patient or  
899 caregiver to whom the marijuana delivery device was dispensed.

900 h. Must ensure that patient records are not visible to

901 anyone other than the qualified patient, his or her caregiver,  
 902 and authorized medical marijuana treatment center employees.

903 (f) To ensure the safety and security of premises where  
 904 the cultivation, processing, storing, or dispensing of marijuana  
 905 occurs, and to maintain adequate controls against the diversion,  
 906 theft, and loss of marijuana or marijuana delivery devices, a  
 907 medical marijuana treatment center shall:

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

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

914 (I) Cameras are fixed in a place that allows for the clear  
 915 identification of persons and activities in controlled areas of  
 916 the premises. Controlled areas include grow rooms, processing  
 917 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
 918 rooms.

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

922 (III) Recorded images ~~must~~ clearly and accurately display  
 923 the time and date.

924 (IV) ~~Retain~~ Video surveillance recordings are retained for  
 925 at least 45 days or longer upon the request of a law enforcement

- 926 agency.
- 927       2. Ensure that the medical marijuana treatment center's
- 928 outdoor premises have sufficient lighting from dusk until dawn.
- 929       3. Ensure that the indoor premises where dispensing occurs
- 930 includes a waiting area with sufficient space and seating to
- 931 accommodate qualified patients and caregivers and at least one
- 932 private consultation area that is isolated from the waiting area
- 933 and area where dispensing occurs. A medical marijuana treatment
- 934 center may not display products or dispense marijuana or
- 935 marijuana delivery devices in the waiting area.
- 936       4. Not dispense from its premises marijuana or a marijuana
- 937 delivery device between the hours of 9 p.m. and 7 a.m. ~~7~~ but may
- 938 perform all other operations and deliver marijuana to qualified
- 939 patients 24 hours a day.
- 940       5. Store marijuana in a secured, locked room or a vault.
- 941       6. Require at least two of its employees, or two employees
- 942 of a security agency with whom it contracts, to be on the
- 943 premises at all times where cultivation, processing, or storing
- 944 of marijuana occurs.
- 945       7. Require each employee or contractor to wear a photo
- 946 identification badge at all times while on the premises.
- 947       8. Require each visitor to wear a visitor pass at all
- 948 times while on the premises.
- 949       9. Implement an alcohol and drug-free workplace policy.
- 950       10. Report to local law enforcement within 24 hours after

951 the medical marijuana treatment center is notified or becomes  
952 aware of the theft, diversion, or loss of marijuana.

953 (g) To ensure the safe transport of marijuana and  
954 marijuana delivery devices to medical marijuana treatment  
955 centers, marijuana testing laboratories, or qualified patients,  
956 a medical marijuana treatment center must:

957 1. Maintain a marijuana transportation manifest in any  
958 vehicle transporting marijuana. The marijuana transportation  
959 manifest must be generated from a medical marijuana treatment  
960 center's seed-to-sale tracking system and include the:

961 a. Departure date and approximate time of departure.

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

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

965 d. Quantity and form of any marijuana or marijuana  
966 delivery device being transported.

967 e. Arrival date and estimated time of arrival.

968 f. Delivery vehicle make and model and license plate  
969 number.

970 g. Name and signature of the medical marijuana treatment  
971 center employees delivering the product.

972 (I) A copy of the marijuana transportation manifest must  
973 be provided to each individual, medical marijuana treatment  
974 center, or marijuana testing laboratory that receives a  
975 delivery. The individual, or a representative of the center or

976 | laboratory, must sign a copy of the marijuana transportation  
 977 | manifest acknowledging receipt.

978 |       (II) An individual transporting marijuana or a marijuana  
 979 | delivery device must present a copy of the relevant marijuana  
 980 | transportation manifest and his or her employee identification  
 981 | card to a law enforcement officer upon request.

982 |       (III) Medical marijuana treatment centers and marijuana  
 983 | testing laboratories must retain copies of all marijuana  
 984 | transportation manifests for at least 3 years.

985 |       2. Ensure only vehicles in good working order are used to  
 986 | transport marijuana.

987 |       3. Lock marijuana and marijuana delivery devices in a  
 988 | separate compartment or container within the vehicle.

989 |       4. Require employees to have possession of their employee  
 990 | identification card at all times when transporting marijuana or  
 991 | marijuana delivery devices.

992 |       5. Require at least two persons to be in a vehicle  
 993 | transporting marijuana or marijuana delivery devices, and  
 994 | require at least one person to remain in the vehicle while the  
 995 | marijuana or marijuana delivery device is being delivered.

996 |       6. Provide specific safety and security training to  
 997 | employees transporting or delivering marijuana and marijuana  
 998 | delivery devices.

999 |       (h) A medical marijuana treatment center may not engage in  
 1000 | advertising that is visible to members of the public from any



1001 street, sidewalk, park, or other public place, except:

1002       1. The dispensing location of a medical marijuana

1003 treatment center may have a sign that is affixed to the outside

1004 or hanging in the window of the premises which identifies the

1005 dispensary by the licensee's business name, a department-

1006 approved trade name, or a department-approved logo. A medical

1007 marijuana treatment center's trade name and logo may not contain

1008 wording or images commonly associated with marketing targeted

1009 toward children or which promote recreational use of marijuana.

1010       2. A medical marijuana treatment center may engage in

1011 Internet advertising and marketing under the following

1012 conditions:

1013       a. All advertisements must be approved by the department.

1014       b. An advertisement may not have any content that

1015 specifically targets individuals under the age of 18, including

1016 cartoon characters or similar images.

1017       c. An advertisement may not be an unsolicited pop-up

1018 advertisement.

1019       d. Opt-in marketing must include an easy and permanent

1020 opt-out feature.

1021       (i) Each medical marijuana treatment center that dispenses

1022 marijuana and marijuana delivery devices shall make available to

1023 the public on its website:

1024       1. Each marijuana and low-THC product available for

1025 purchase, including the form, strain of marijuana from which it

1026 was extracted, cannabidiol content, tetrahydrocannabinol  
 1027 content, dose unit, total number of doses available, and the  
 1028 ratio of cannabidiol to tetrahydrocannabinol for each product.

1029 2. The price for a 30-day, 50-day, and 70-day supply at a  
 1030 standard dose for each marijuana and low-THC product available  
 1031 for purchase.

1032 3. The price for each marijuana delivery device available  
 1033 for purchase.

1034 4. If applicable, any discount policies and eligibility  
 1035 criteria for such discounts.

1036 (j) ~~Medical marijuana treatment centers are the sole~~  
 1037 ~~source from which~~ A qualified patient may legally obtain  
 1038 marijuana only from a medical marijuana treatment center or a  
 1039 medical marijuana retail facility.

1040 (k) The department may adopt rules pursuant to ss.  
 1041 120.536(1) and 120.54 to implement this subsection.

1042 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department  
 1043 shall license medical marijuana retail facilities to ensure  
 1044 reasonable statewide accessibility and availability as necessary  
 1045 for qualified patients who are registered in the medical  
 1046 marijuana use registry and who are issued a physician  
 1047 certification under this section. The department shall begin  
 1048 issuing medical marijuana retail facility licenses by August 1,  
 1049 2021.

1050 (a) An applicant for licensure as a medical marijuana

1051 retail facility must apply to the department on a form  
1052 prescribed by the department and adopted in rule. The department  
1053 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
1054 establishing a procedure for the issuance and biennial renewal  
1055 of licenses. The department shall identify applicants with  
1056 strong diversity plans reflecting this state's commitment to  
1057 diversity, and the department shall implement training programs  
1058 and other educational programs to enable minority persons and  
1059 minority business enterprises, as defined in s. 288.703, and  
1060 veteran business enterprises, as defined in s. 295.187, to  
1061 qualify for medical marijuana retail facility licensure and  
1062 contracts. The department must issue a license to an applicant  
1063 if the applicant meets the requirements of this subsection and  
1064 rules adopted under this subsection. The department shall renew  
1065 the licensure of a medical marijuana retail facility biennially  
1066 if the licensee meets the requirements of this subsection and  
1067 the rules adopted under this subsection. An individual may not  
1068 be an applicant, an owner, an officer, a board member, or a  
1069 manager on more than one application for licensure as a medical  
1070 marijuana retail facility. An individual or entity may not be  
1071 awarded more than one license as a medical marijuana retail  
1072 facility. Each medical marijuana retail facility license is  
1073 valid for one physical location. A medical marijuana treatment  
1074 center may not be awarded a license to operate a medical  
1075 marijuana retail facility.

1076 (b) An applicant for licensure as a medical marijuana  
1077 retail facility must demonstrate all of the following:

1078 1. The ability to secure the premises, resources, and  
1079 personnel necessary to operate as a medical marijuana retail  
1080 facility.

1081 2. The ability to maintain accountability for all raw  
1082 materials, all finished products, and any byproducts to prevent  
1083 diversion or unlawful access to or possession of these  
1084 substances.

1085 3. An infrastructure reasonably located to dispense  
1086 marijuana to registered qualified patients statewide or  
1087 regionally, as determined by the department.

1088 4. The financial ability to maintain operations for the  
1089 duration of the 2-year approval cycle, including the provision  
1090 of certified financial statements to the department.

1091 5. That all owners, officers, board members, and managers  
1092 have passed a background screening pursuant to subsection (10).

1093 6. The employment of a medical director to supervise the  
1094 activities of the medical marijuana retail facility.

1095 7. A diversity plan that promotes and ensures the  
1096 involvement of minority persons and minority business  
1097 enterprises, as defined in s. 288.703, or veteran business  
1098 enterprises, as defined in s. 295.187, in ownership, management,  
1099 and employment. An applicant for licensure renewal must show the  
1100 effectiveness of the diversity plan by including the following

1101 with his or her application for renewal:

1102 a. Representation of minority persons and veterans in the

1103 medical marijuana retail facility's workforce;

1104 b. Efforts to recruit minority persons and veterans for

1105 employment; and

1106 c. A record of contracts for services with minority

1107 business enterprises and veteran business enterprises.

1108 8. Proof of liability insurance coverage of at least

1109 \$250,000 for each facility that dispenses or stores marijuana or

1110 medical marijuana delivery devices.

1111 (c) A medical marijuana retail facility may not make a

1112 wholesale purchase of marijuana from a medical marijuana

1113 treatment center.

1114 (d) A medical marijuana retail facility may not transport

1115 marijuana, marijuana delivery devices, or edibles.

1116 (e) A medical marijuana retail facility may contract with

1117 only one medical marijuana treatment center to dispense

1118 marijuana, marijuana delivery devices, or edibles to a qualified

1119 patient or caregiver.

1120 (f)1. A medical marijuana retail facility may transfer

1121 ownership to an individual or entity that meets the requirements

1122 of this section. A publicly traded corporation or publicly

1123 traded company that meets the requirements of this section is

1124 not precluded from ownership of a medical marijuana retail

1125 facility. To accommodate a change in ownership:

1126 a. The medical marijuana retail facility must notify the  
1127 department in writing at least 60 days before the anticipated  
1128 date of the change of ownership.

1129 b. The individual or entity applying for initial licensure  
1130 due to a change of ownership must submit an application that  
1131 must be received by the department at least 60 days before the  
1132 date of the change of ownership.

1133 c. Upon receipt of an application for a license, the  
1134 department shall examine the application and, within 30 days  
1135 after receipt, notify the applicant in writing of any apparent  
1136 errors or omissions and request any additional information  
1137 required.

1138 d. Requested information omitted from an application for  
1139 licensure must be filed with the department within 21 days after  
1140 the department's request for omitted information or the  
1141 application shall be deemed incomplete and must be withdrawn  
1142 from further consideration, and any fees shall be forfeited.

1143  
1144 Within 30 days after the receipt of a complete application, the  
1145 department shall approve or deny the application.

1146 2. A medical marijuana retail facility, and any individual  
1147 or entity that directly or indirectly owns, controls, or holds  
1148 with power to vote 5 percent or more of the voting shares of a  
1149 medical marijuana retail facility, may not acquire direct or  
1150 indirect ownership or control of any voting shares or other form

1151 of ownership of any other medical marijuana retail facility.

1152 3. A medical marijuana retail facility may not enter into  
1153 any form of profit-sharing arrangement with the property owner  
1154 or lessor of any of its facilities where storing or dispensing  
1155 of marijuana and marijuana delivery devices occurs.

1156 4. All employees of a medical marijuana retail facility  
1157 must be 21 years of age or older and have passed a background  
1158 screening pursuant to subsection (10).

1159 5. Each medical marijuana retail facility must adopt and  
1160 enforce policies and procedures to ensure that employees and  
1161 volunteers receive training on the legal requirements to  
1162 dispense marijuana to qualified patients.

1163 6. Each medical marijuana retail facility must make  
1164 available for purchase at least one low-THC cannabis product.

1165 7. A medical marijuana retail facility may not repackage  
1166 or modify marijuana or a medical marijuana delivery device  
1167 packaged for retail sale by a contracted medical marijuana  
1168 treatment center.

1169 8. A medical marijuana retail facility may not process or  
1170 produce edibles, but it may dispense to a qualified patient or  
1171 caregiver edibles in the original packaging and with the  
1172 original labeling affixed as received from a contracted medical  
1173 marijuana treatment center. Onsite consumption of marijuana or  
1174 edibles at a medical marijuana retail facility is prohibited.  
1175 The department may select a random sample from edibles available

1176 for purchase in a medical marijuana retail facility to be tested  
1177 by the department to determine whether the edibles meet the  
1178 potency requirements of subparagraph (8)(e)8. and are safe for  
1179 human consumption, and whether the labeling of the  
1180 tetrahydrocannabinol and cannabidiol concentration is accurate.  
1181 A medical marijuana retail facility may not require payment from  
1182 the department for the sample. A medical marijuana retail  
1183 facility must recall edibles, including all edibles made from  
1184 the same batch of marijuana, which fail to meet the potency  
1185 requirements, which are unsafe for human consumption, or for  
1186 which the labeling of the tetrahydrocannabinol and cannabidiol  
1187 concentration is inaccurate.

1188 9. When dispensing marijuana or a marijuana delivery  
1189 device, a medical marijuana retail facility:

1190 a. May dispense any active, valid order for low-THC  
1191 cannabis, medical cannabis, and cannabis delivery devices issued  
1192 pursuant to former s. 381.986, Florida Statutes 2016, which was  
1193 entered into the medical marijuana use registry before July 1,  
1194 2017.

1195 b. May not dispense more than a 70-day supply of marijuana  
1196 to a qualified patient or caregiver.

1197 c. Must require that an employee who dispenses the  
1198 marijuana or a marijuana delivery device enter into the medical  
1199 marijuana use registry his or her name or unique employee  
1200 identifier.



1201 d. Must verify that the qualified patient and the  
1202 caregiver, if applicable, each have an active registration in  
1203 the medical marijuana use registry and an active and valid  
1204 medical marijuana use registry identification card, that the  
1205 amount and type of marijuana dispensed matches the physician  
1206 certification in the medical marijuana use registry for that  
1207 qualified patient, and that the physician certification has not  
1208 already been filled.

1209 e. May not dispense marijuana to a qualified patient who  
1210 is younger than 18 years of age. If the qualified patient is  
1211 younger than 18 years of age, marijuana may be dispensed only to  
1212 the qualified patient's caregiver.

1213 f. May not dispense or sell any other type of cannabis,  
1214 alcohol, or illicit drug-related product, including pipes,  
1215 bongs, or rolling papers, other than a marijuana delivery device  
1216 required for the medical use of marijuana which is specified in  
1217 a physician certification.

1218 g. Must, upon dispensing the marijuana or marijuana  
1219 delivery device, record in the registry the date, time,  
1220 quantity, and form of marijuana dispensed; the type of marijuana  
1221 delivery device dispensed; and the name and medical marijuana  
1222 use registry identification number of the qualified patient or  
1223 caregiver to whom the marijuana or marijuana delivery device was  
1224 dispensed.

1225 h. Must ensure that patient records are not visible to

1226 anyone other than the qualified patient, his or her caregiver,  
1227 and authorized medical marijuana retail facility employees.

1228 (g) To ensure the safety and security of premises where  
1229 the storing or dispensing of marijuana occurs, and to maintain  
1230 adequate controls against the diversion, theft, and loss of  
1231 marijuana or marijuana delivery devices, a medical marijuana  
1232 retail facility shall:

1233 1.a. Maintain a fully operational security alarm system  
1234 that secures all entry points and perimeter windows and is  
1235 equipped with motion detectors; pressure switches; and duress,  
1236 panic, and hold-up alarms; and

1237 b. Maintain a video surveillance system that records  
1238 continuously, 24 hours a day, and meets the following criteria:

1239 (I) Cameras are fixed in a place that allows for the clear  
1240 identification of persons and activities in controlled areas of  
1241 the premises. Controlled areas include grow rooms, processing  
1242 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
1243 rooms.

1244 (II) Cameras are fixed in entrances and exits to the  
1245 premises and record from indoor and outdoor, or ingress and  
1246 egress, vantage points.

1247 (III) Recorded images clearly and accurately display the  
1248 time and date.

1249 (IV) Video surveillance recordings are retained for at  
1250 least 45 days, or longer upon the request of a law enforcement

- 1251 agency.
- 1252 2. Ensure that the outdoor premises have sufficient  
1253 lighting from dusk until dawn.
- 1254 3. Ensure that the indoor premises where dispensing occurs  
1255 include a waiting area with sufficient space and seating to  
1256 accommodate qualified patients and caregivers and at least one  
1257 private consultation area that is isolated from the waiting area  
1258 and the area where dispensing occurs. A medical marijuana retail  
1259 facility may not display products or dispense marijuana or  
1260 marijuana delivery devices in the waiting area.
- 1261 4. Not dispense from its premises marijuana or a marijuana  
1262 delivery device between the hours of 9 p.m. and 7 a.m. but may  
1263 perform all other operations and deliver marijuana to qualified  
1264 patients 24 hours a day.
- 1265 5. Store marijuana in a secured, locked room or a vault.
- 1266 6. Require at least two of its employees, or two employees  
1267 of a security agency with whom it contracts, to be on the  
1268 premises at all times where cultivation, processing, or storing  
1269 of marijuana occurs.
- 1270 7. Require each employee or contractor to wear a photo  
1271 identification badge at all times while on the premises.
- 1272 8. Require each visitor to wear a visitor pass at all  
1273 times while on the premises.
- 1274 9. Implement an alcohol- and drug-free workplace policy.
- 1275 10. Report to local law enforcement within 24 hours after

1276 being notified or becoming aware of the theft, diversion, or  
1277 loss of marijuana.

1278 (h) A medical marijuana retail facility may not engage in  
1279 Internet sales.

1280 (i) A medical marijuana retail facility may not engage in  
1281 advertising that is visible to members of the public from any  
1282 street, sidewalk, park, or other public place, except:

1283 1. A medical marijuana retail facility may have a sign  
1284 that is affixed to the outside, or hanging in the window, of the  
1285 premises which identifies the facility by the licensee's  
1286 business name, a department-approved trade name, or a  
1287 department-approved logo. A medical marijuana retail facility's  
1288 trade name and logo may not contain wording or images commonly  
1289 associated with marketing targeted toward children or which  
1290 promote recreational use of marijuana.

1291 2. A medical marijuana retail facility may engage in  
1292 Internet advertising and marketing under the following  
1293 conditions:

1294 a. All advertisements must be approved by the department.

1295 b. An advertisement may not have any content that  
1296 specifically targets individuals under the age of 18, including  
1297 cartoon characters or similar images.

1298 c. An advertisement may not be an unsolicited pop-up  
1299 advertisement.

1300 d. Opt-in marketing must include an easy and permanent

1301 opt-out feature.

1302 (j) Each medical marijuana retail facility that dispenses  
 1303 marijuana, marijuana delivery devices, or edibles shall make  
 1304 available to the public on its website:

1305 1. Information on each marijuana and low-THC cannabis  
 1306 product available for purchase, including the form, strain of  
 1307 marijuana from which it was extracted, cannabidiol content,  
 1308 tetrahydrocannabinol content, dose unit, and total number of  
 1309 doses available, and the ratio of cannabidiol to  
 1310 tetrahydrocannabinol for each such product.

1311 2. The price of a 30-day supply, 50-day supply, and-70 day  
 1312 supply at a standard dose for each marijuana and low-THC  
 1313 cannabis product available for purchase.

1314 3. The price for each marijuana delivery device available  
 1315 for purchase.

1316 4. If applicable, any discount policies and eligibility  
 1317 criteria for such discounts.

1318 (k) A qualified patient may legally obtain medical  
 1319 marijuana only from a medical marijuana treatment center or a  
 1320 medical marijuana retail facility.

1321 (l) The department may adopt rules pursuant to ss.  
 1322 120.536(1) and 120.54 to implement this subsection.

1323 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL  
 1324 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1325 (a) The department shall conduct announced or unannounced

1326 inspections of medical marijuana treatment centers and medical  
1327 marijuana retail facilities to determine compliance with this  
1328 section or rules adopted pursuant to this section.

1329 (b) The department shall inspect a medical marijuana  
1330 treatment center upon receiving a complaint or notice that the  
1331 medical marijuana treatment center has dispensed marijuana  
1332 containing mold, bacteria, or other contaminant that may cause  
1333 or has caused an adverse effect to human health or the  
1334 environment.

1335 (c) The department shall conduct at least a biennial  
1336 inspection of each medical marijuana treatment center and each  
1337 medical marijuana retail facility to evaluate the medical  
1338 marijuana treatment center's or medical marijuana retail  
1339 facility's records, personnel, equipment, processes, security  
1340 measures, sanitation practices, and quality assurance practices.

1341 (d) The Department of Agriculture and Consumer Services  
1342 and the department shall enter into an interagency agreement to  
1343 ensure cooperation and coordination in the performance of their  
1344 obligations under this section and their respective regulatory  
1345 and authorizing laws. The department, the Department of Highway  
1346 Safety and Motor Vehicles, and the Department of Law Enforcement  
1347 may enter into interagency agreements for the purposes specified  
1348 in this subsection or subsection (7).

1349 (e) The department shall publish a list of all approved  
1350 medical marijuana treatment centers, medical directors, medical

1351 marijuana retail facilities, and qualified physicians on its  
1352 website.

1353 (f) The department may impose reasonable fines not to  
1354 exceed \$10,000 on a medical marijuana treatment center or a  
1355 medical marijuana retail facility for any of the following  
1356 violations:

1357 1. Violating this section or department rule.

1358 2. Failing to maintain qualifications for approval.

1359 3. Endangering the health, safety, or security of a  
1360 qualified patient.

1361 4. Improperly disclosing personal and confidential  
1362 information of the qualified patient.

1363 5. Attempting to procure medical marijuana treatment  
1364 center or medical marijuana retail facility approval by bribery,  
1365 fraudulent misrepresentation, or extortion.

1366 6. Being convicted or found guilty of, or entering a plea  
1367 of guilty or nolo contendere to, regardless of adjudication, a  
1368 crime in any jurisdiction which directly relates to the business  
1369 of a medical marijuana treatment center or a medical marijuana  
1370 retail facility.

1371 7. Making or filing a report or record that the medical  
1372 marijuana treatment center or medical marijuana retail facility  
1373 knows to be false.

1374 8. Willfully failing to maintain a record required by this  
1375 section or department rule.

1376 9. Willfully impeding or obstructing an employee or agent  
 1377 of the department in the furtherance of his or her official  
 1378 duties.

1379 10. Engaging in fraud or deceit, negligence, incompetence,  
 1380 or misconduct in the business practices of a medical marijuana  
 1381 treatment center or a medical marijuana retail facility.

1382 11. Making misleading, deceptive, or fraudulent  
 1383 representations in or related to the business practices of a  
 1384 medical marijuana treatment center or a medical marijuana retail  
 1385 facility.

1386 12. Having a license or the authority to engage in any  
 1387 regulated profession, occupation, or business that is related to  
 1388 the business practices of a medical marijuana treatment center  
 1389 or a medical marijuana retail facility suspended, revoked, or  
 1390 otherwise acted against by the licensing authority of any  
 1391 jurisdiction, including its agencies or subdivisions, for a  
 1392 violation that would constitute a violation under Florida law.

1393 13. Violating a lawful order of the department or an  
 1394 agency of the state, or failing to comply with a lawfully issued  
 1395 subpoena of the department or an agency of the state.

1396 (g) The department may suspend, revoke, or refuse to renew  
 1397 the license of a medical marijuana treatment center or a medical  
 1398 marijuana retail facility ~~license~~ if the medical marijuana  
 1399 treatment center or medical marijuana retail facility commits  
 1400 any of the violations in paragraph (f).



1401 (h) The department may adopt rules pursuant to ss.  
 1402 120.536(1) and 120.54 to implement this subsection.

1403 (12)~~(11)~~ PREEMPTION.—Regulation of cultivation,  
 1404 processing, and delivery of marijuana by medical marijuana  
 1405 treatment centers is preempted to the state except as provided  
 1406 in this subsection.

1407 (a) A medical marijuana treatment center cultivating or  
 1408 processing facility may not be located within 500 feet of the  
 1409 real property that comprises a public or private elementary  
 1410 school, middle school, or secondary school.

1411 (b)1. A county or municipality may, by ordinance, ban  
 1412 medical marijuana treatment center dispensing facilities or  
 1413 medical marijuana retail facilities from being located within  
 1414 the boundaries of that county or municipality. A county or  
 1415 municipality that does not ban dispensing facilities or medical  
 1416 marijuana retail facilities under this subparagraph may not  
 1417 place specific limits, by ordinance, on the number of dispensing  
 1418 facilities or medical marijuana retail facilities that may  
 1419 locate within that county or municipality.

1420 2. A municipality may determine by ordinance the criteria  
 1421 for the location of, and other permitting requirements that do  
 1422 not conflict with state law or department rule for, medical  
 1423 marijuana treatment center dispensing facilities or medical  
 1424 marijuana retail facilities located within the boundaries of  
 1425 that municipality. A county may determine by ordinance the

1426 criteria for the location of, and other permitting requirements  
1427 that do not conflict with state law or department rule for, all  
1428 such dispensing facilities and medical marijuana retail  
1429 facilities located within the unincorporated areas of that  
1430 county. Except as provided in paragraph (c), a county or  
1431 municipality may not enact ordinances for permitting or for  
1432 determining the location of dispensing facilities and medical  
1433 marijuana retail facilities which are more restrictive than its  
1434 ordinances permitting or determining the locations for  
1435 pharmacies licensed under chapter 465. A municipality or county  
1436 may not charge a medical marijuana treatment center or a medical  
1437 marijuana retail facility a license or permit fee in an amount  
1438 greater than the fee charged by such municipality or county to  
1439 pharmacies. A dispensing facility location approved by a  
1440 municipality or county pursuant to former s. 381.986(8)(b),  
1441 Florida Statutes 2016, is not subject to the location  
1442 requirements of this subsection.

1443 (c) A medical marijuana treatment center dispensing  
1444 facility or a medical marijuana retail facility may not be  
1445 located within 500 feet of the real property that comprises a  
1446 public or private elementary school, middle school, or secondary  
1447 school unless the county or municipality approves the location  
1448 through a formal proceeding open to the public at which the  
1449 county or municipality determines that the location promotes the  
1450 public health, safety, and general welfare of the community.

1451 (d) This subsection does not prohibit any local  
1452 jurisdiction from ensuring that medical marijuana treatment  
1453 center dispensing facilities and medical marijuana retail  
1454 facilities comply with the Florida Building Code, the Florida  
1455 Fire Prevention Code, or any local amendments to the Florida  
1456 Building Code or the Florida Fire Prevention Code.

1457 ~~(13)~~~~(12)~~ PENALTIES.—

1458 (a) A qualified physician commits a misdemeanor of the  
1459 first degree, punishable as provided in s. 775.082 or s.  
1460 775.083, if the qualified physician issues a physician  
1461 certification for the medical use of marijuana for a patient  
1462 without a reasonable belief that the patient is suffering from a  
1463 qualifying medical condition.

1464 (b) A person who fraudulently represents that he or she  
1465 has a qualifying medical condition to a qualified physician for  
1466 the purpose of being issued a physician certification commits a  
1467 misdemeanor of the first degree, punishable as provided in s.  
1468 775.082 or s. 775.083.

1469 (c) A qualified patient who uses marijuana, not including  
1470 low-THC cannabis, or a caregiver who administers marijuana, not  
1471 including low-THC cannabis, in plain view of or in a place open  
1472 to the general public; in a school bus, a vehicle, an aircraft,  
1473 or a boat; or on the grounds of a school except as provided in  
1474 s. 1006.062, commits a misdemeanor of the first degree,  
1475 punishable as provided in s. 775.082 or s. 775.083.

1476 (d) A qualified patient or caregiver who cultivates  
1477 marijuana or who purchases or acquires marijuana from any person  
1478 or entity other than a medical marijuana treatment center or a  
1479 medical marijuana retail facility violates s. 893.13 and is  
1480 subject to the penalties provided therein.

1481 (e)1. A qualified patient or caregiver in possession of  
1482 marijuana or a marijuana delivery device who fails or refuses to  
1483 present his or her marijuana use registry identification card  
1484 upon the request of a law enforcement officer commits a  
1485 misdemeanor of the second degree, punishable as provided in s.  
1486 775.082 or s. 775.083, unless it can be determined through the  
1487 medical marijuana use registry that the person is authorized to  
1488 be in possession of that marijuana or marijuana delivery device.

1489 2. A person charged with a violation of this paragraph may  
1490 not be convicted if, before or at the time of his or her court  
1491 or hearing appearance, the person produces in court or to the  
1492 clerk of the court in which the charge is pending a medical  
1493 marijuana use registry identification card issued to him or her  
1494 which is valid at the time of his or her arrest. The clerk of  
1495 the court is authorized to dismiss such case at any time before  
1496 the defendant's appearance in court. The clerk of the court may  
1497 assess a fee of \$5 for dismissing the case under this paragraph.

1498 (f) A caregiver who violates any of the applicable  
1499 provisions of this section or applicable department rules, for  
1500 the first offense, commits a misdemeanor of the second degree,

1501 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1502 second or subsequent offense, commits a misdemeanor of the first  
1503 degree, punishable as provided in s. 775.082 or s. 775.083.

1504 (g) A qualified physician who issues a physician  
1505 certification for marijuana or a marijuana delivery device and  
1506 receives compensation from a medical marijuana treatment center  
1507 related to the issuance of a physician certification for  
1508 marijuana or a marijuana delivery device is subject to  
1509 disciplinary action under the applicable practice act and s.  
1510 456.072(1)(n).

1511 (h) A person transporting marijuana or marijuana delivery  
1512 devices on behalf of a medical marijuana treatment center or  
1513 marijuana testing laboratory who fails or refuses to present a  
1514 transportation manifest upon the request of a law enforcement  
1515 officer commits a misdemeanor of the second degree, punishable  
1516 as provided in s. 775.082 or s. 775.083.

1517 (i) Persons and entities conducting activities authorized  
1518 and governed by this section and s. 381.988 are subject to ss.  
1519 456.053, 456.054, and 817.505, as applicable.

1520 (j) A person or entity that cultivates, processes,  
1521 distributes, sells, or dispenses marijuana, as defined in s.  
1522 29(b)(4), Art. X of the State Constitution, and is not licensed  
1523 as a medical marijuana treatment center or as a medical  
1524 marijuana retail facility violates s. 893.13 and is subject to  
1525 the penalties provided therein.

1526 (k) A person who manufactures, distributes, sells, gives,  
 1527 or possesses with the intent to manufacture, distribute, sell,  
 1528 or give marijuana or a marijuana delivery device that he or she  
 1529 holds out to have originated from a licensed medical marijuana  
 1530 treatment center but that is counterfeit commits a felony of the  
 1531 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1532 or s. 775.084. For the purposes of this paragraph, the term  
 1533 "counterfeit" means marijuana; a marijuana delivery device; or a  
 1534 marijuana or marijuana delivery device container, seal, or label  
 1535 which, without authorization, bears the trademark, trade name,  
 1536 or other identifying mark, imprint, or device, or any likeness  
 1537 thereof, of a licensed medical marijuana treatment center and  
 1538 which thereby falsely purports or is represented to be the  
 1539 product of, or to have been distributed by, that licensed  
 1540 medical marijuana treatment center facility.

1541 (l) A person who distributes, sells, gives, or possesses  
 1542 with the intent to manufacture, distribute, sell, or give  
 1543 marijuana or a marijuana delivery device that he or she holds  
 1544 out to have been dispensed from a licensed medical marijuana  
 1545 retail facility but that is counterfeit commits a felony of the  
 1546 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1547 or s. 775.084. For the purposes of this paragraph, the term  
 1548 "counterfeit" means marijuana; a marijuana delivery device; or a  
 1549 marijuana or marijuana delivery device container, seal, or label  
 1550 that, without authorization, bears the trademark, trade name, or

1551 other identifying mark, imprint, or device, or any likeness  
1552 thereof, of a licensed medical marijuana retail facility and  
1553 that thereby falsely purports or is represented to be the  
1554 product of, or to have been distributed by, that licensed  
1555 medical marijuana retail facility.

1556 (m)~~(1)~~ Any person who possesses or manufactures a blank,  
1557 forged, stolen, fictitious, fraudulent, counterfeit, or  
1558 otherwise unlawfully issued medical marijuana use registry  
1559 identification card commits a felony of the third degree,  
1560 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1561 (15)~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1562 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1563 any other provision of law, but subject to the requirements of  
1564 this section, a qualified patient and the qualified patient's  
1565 caregiver may purchase from a medical marijuana treatment center  
1566 or a medical marijuana retail facility for the patient's medical  
1567 use a marijuana delivery device and up to the amount of  
1568 marijuana authorized in the physician certification, but may not  
1569 possess more than a 70-day supply of marijuana, or the greater  
1570 of 4 ounces of marijuana in a form for smoking or an amount of  
1571 marijuana in a form for smoking approved by the department  
1572 pursuant to paragraph (4) (f), at any given time and all  
1573 marijuana purchased must remain in its original packaging.

1574 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,  
1575 s. 893.147, or any other provision of law, a qualified patient

1576 and the qualified patient's caregiver may purchase and possess a  
1577 marijuana delivery device intended for the medical use of  
1578 marijuana by smoking from a vendor other than a medical  
1579 marijuana treatment center.

1580 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1581 any other provision of law, but subject to the requirements of  
1582 this section, a licensed ~~an approved~~ medical marijuana treatment  
1583 center and its owners, managers, and employees may manufacture,  
1584 possess, sell, deliver, distribute, dispense, and lawfully  
1585 dispose of marijuana or a marijuana delivery device as provided  
1586 in this section, in s. 381.988, and by department rule. For the  
1587 purposes of this subsection, the terms "manufacture,"  
1588 "possession," "deliver," "distribute," and "dispense" have the  
1589 same meanings as provided in s. 893.02.

1590 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1591 any other provision of law, but subject to the requirements of  
1592 this section, a medical marijuana retail facility and its  
1593 owners, managers, and employees may possess, sell, distribute,  
1594 dispense, and lawfully dispose of marijuana or a marijuana  
1595 delivery device as provided in this section, in s. 381.988, and  
1596 by department rule. For the purposes of this subsection, the  
1597 terms "possession," "distribute," and "dispense" have the same  
1598 meanings as provided in s. 893.02.

1599 (e) ~~(d)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
1600 or any other provision of law, but subject to the requirements



1601 of this section, a certified marijuana testing laboratory,  
1602 including an employee of a certified marijuana testing  
1603 laboratory acting within the scope of his or her employment, may  
1604 acquire, possess, test, transport, and lawfully dispose of  
1605 marijuana as provided in this section, in s. 381.988, and by  
1606 department rule.

1607 (f)~~(e)~~ A licensed medical marijuana treatment center and  
1608 its owners, managers, and employees are not subject to licensure  
1609 or regulation under chapter 465 or chapter 499 for  
1610 manufacturing, possessing, selling, delivering, distributing,  
1611 dispensing, or lawfully disposing of marijuana or a marijuana  
1612 delivery device, as provided in this section, in s. 381.988, and  
1613 by department rule.

1614 (g) A licensed medical marijuana retail facility and its  
1615 owners, managers, and employees are not subject to licensure or  
1616 regulation under chapter 465 or chapter 499 for possessing,  
1617 selling, distributing, dispensing, or lawfully disposing of  
1618 marijuana or a marijuana delivery device, as provided in this  
1619 section, in s. 381.988, and by department rule.

1620 (h)~~(f)~~ This subsection does not exempt a person from  
1621 prosecution for a criminal offense related to impairment or  
1622 intoxication resulting from the medical use of marijuana or  
1623 relieve a person from any requirement under law to submit to a  
1624 breath, blood, urine, or other test to detect the presence of a  
1625 controlled substance.

1626            (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
 1627 or any other provision of law, but subject to the requirements  
 1628 of this section and pursuant to policies and procedures  
 1629 established pursuant to s. 1006.062(8), school personnel may  
 1630 possess marijuana that is obtained for medical use pursuant to  
 1631 this section by a student who is a qualified patient.

1632            (j)~~(h)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
 1633 or any other provision of law, but subject to the requirements  
 1634 of this section, a research institute established by a public  
 1635 postsecondary educational institution, such as the H. Lee  
 1636 Moffitt Cancer Center and Research Institute, Inc., established  
 1637 under s. 1004.43, or a state university that has achieved the  
 1638 preeminent state research university designation under s.  
 1639 1001.7065 may possess, test, transport, and lawfully dispose of  
 1640 marijuana for research purposes as provided by this section.

1641            Section 2. Section 381.987, Florida Statutes, is amended  
 1642 to read:

1643            381.987 Public records exemption for personal identifying  
 1644 information relating to medical marijuana held by the  
 1645 department.—

1646            (1) The following information is confidential and exempt  
 1647 from s. 119.07(1) and s. 24(a), Art. I of the State  
 1648 Constitution:

1649            (a) A patient's or caregiver's personal identifying  
 1650 information held by the department in the medical marijuana use

1651 registry established under s. 381.986, including, but not  
 1652 limited to, the patient's or caregiver's name, address, date of  
 1653 birth, photograph, and telephone number.

1654 (b) All personal identifying information collected for the  
 1655 purpose of issuing a patient's or caregiver's medical marijuana  
 1656 use registry identification card described in s. 381.986.

1657 (c) All personal identifying information pertaining to the  
 1658 physician certification for marijuana and the dispensing thereof  
 1659 held by the department, including, but not limited to,  
 1660 information related to the patient's diagnosis, exception  
 1661 requests to the daily dose amount limit, and the qualified  
 1662 patient's experience related to the medical use of marijuana.

1663 (d) A qualified physician's Drug Enforcement  
 1664 Administration number, residential address, and government-  
 1665 issued identification card.

1666 (2) The department shall allow access to the confidential  
 1667 and exempt information in the medical marijuana use registry to:

1668 (a) A law enforcement agency that is investigating a  
 1669 violation of law regarding marijuana in which the subject of the  
 1670 investigation claims an exception established under s. 381.986,  
 1671 except for information related to the patient's diagnosis.

1672 (b) A medical marijuana treatment center or a medical  
 1673 marijuana retail facility that is licensed ~~approved~~ by the  
 1674 department pursuant to s. 381.986 which is attempting to verify  
 1675 the authenticity of a physician certification for marijuana,

1676 including whether the certification had been previously filled  
1677 and whether the certification was issued for the person  
1678 attempting to have it filled, except for information related to  
1679 the patient's diagnosis.

1680 (c) A physician who has issued a certification for  
1681 marijuana for the purpose of monitoring the patient's use of  
1682 such marijuana or for the purpose of determining, before issuing  
1683 a certification for marijuana, whether another physician has  
1684 issued a certification for the patient's use of marijuana. The  
1685 physician may access the confidential and exempt information  
1686 only for the patient for whom he or she has issued a  
1687 certification or is determining whether to issue a certification  
1688 for the use of marijuana pursuant to s. 381.986.

1689 (d) A practitioner licensed to prescribe prescription  
1690 medications to ensure proper care of a patient before  
1691 prescribing medication to that patient which may interact with  
1692 marijuana.

1693 (e) An employee of the department for the purposes of  
1694 maintaining the registry and periodic reporting or disclosure of  
1695 information that has been redacted to exclude personal  
1696 identifying information.

1697 (f) An employee of the department for the purposes of  
1698 reviewing physician registration and the issuance of physician  
1699 certifications to monitor practices that could facilitate  
1700 unlawful diversion or the misuse of marijuana or a marijuana

1701 delivery device.

1702 (g) The department's relevant health care regulatory  
1703 boards responsible for the licensure, regulation, or discipline  
1704 of a physician if he or she is involved in a specific  
1705 investigation of a violation of s. 381.986. If a health care  
1706 regulatory board's investigation reveals potential criminal  
1707 activity, the board may provide any relevant information to the  
1708 appropriate law enforcement agency.

1709 (h) The Consortium for Medical Marijuana Clinical Outcomes  
1710 Research established in s. 1004.4351(4).

1711 (i) A person engaged in bona fide research if the person  
1712 agrees:

1713 1. To submit a research plan to the department which  
1714 specifies the exact nature of the information requested and the  
1715 intended use of the information;

1716 2. To maintain the confidentiality of the records or  
1717 information if personal identifying information is made  
1718 available to the researcher;

1719 3. To destroy any confidential and exempt records or  
1720 information obtained after the research is concluded; and

1721 4. Not to contact, directly or indirectly, for any  
1722 purpose, a patient or physician whose information is in the  
1723 registry.

1724 (3) The department shall allow access to the confidential  
1725 and exempt information pertaining to the physician certification

1726 | for marijuana and the dispensing thereof, whether in the  
 1727 | registry or otherwise held by the department, to:

1728 |       (a) An employee of the department for the purpose of  
 1729 | approving or disapproving a request for an exception to the  
 1730 | daily dose amount limit for a qualified patient; and

1731 |       (b) The Consortium for Medical Marijuana Clinical Outcomes  
 1732 | Research pursuant to s. 381.986 for the purpose of conducting  
 1733 | research regarding the medical use of marijuana.

1734 |       (4) All information released by the department under  
 1735 | subsections (2) and (3) remains confidential and exempt, and a  
 1736 | person who receives access to such information must maintain the  
 1737 | confidential and exempt status of the information received.

1738 |       (5) A person who willfully and knowingly violates this  
 1739 | section commits a felony of the third degree, punishable as  
 1740 | provided in s. 775.082 or s. 775.083.

1741 |       (6) This section is subject to the Open Government Sunset  
 1742 | Review Act in accordance with s. 119.15 and shall stand repealed  
 1743 | on October 2, 2022, unless reviewed and saved from repeal  
 1744 | through reenactment by the Legislature.

1745 |       Section 3. This act shall take effect upon becoming a law.