

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the availability of marijuana for
3 adult use; amending s. 212.08, F.S.; revising the
4 sales tax exemption for the sale of marijuana and
5 marijuana delivery devices to apply only to purchases
6 by qualified patients or caregivers; amending s.
7 381.986, F.S.; revising definitions; revising
8 provisions related to the licensure and functions of
9 medical marijuana treatment centers (MMTCs); requiring
10 the Department of Health to adopt by rule certain
11 standards and procedures; requiring the department to
12 adopt by rule a certain MMTC registration form;
13 specifying registration requirements; providing that a
14 registration expires after a specified time;
15 specifying that registration is not sufficient for
16 certain operations; requiring an MMTC to obtain
17 separate operating licenses for certain operations;
18 specifying application requirements for MMTCs to
19 obtain cultivation licenses and processing licenses;
20 providing for the expiration of and renewal of such
21 licenses; requiring an MMTC to obtain a facility
22 permit before cultivating or processing marijuana in
23 the facility; authorizing MMTCs licensed to cultivate
24 or process marijuana to use contractors to assist with
25 the cultivation and processing of marijuana under
26 certain conditions; requiring the contractors to
27 obtain facility permits and register principals and
28 employees; providing for the destruction of certain
29 marijuana byproducts within a specified timeframe

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30 after their production; authorizing MMTCs licensed to
31 cultivate and process marijuana to wholesale marijuana
32 to other registered MMTCs under certain circumstances;
33 prohibiting an MMTC from transporting or delivering
34 marijuana outside of its property without a
35 transportation license; providing requirements for the
36 cultivation and the processing of marijuana; deleting
37 a requirement that each MMTC produce and make
38 available for purchase at least one low-THC cannabis
39 product; deleting certain tetrahydrocannabinol limits
40 for edibles; requiring an MMTC that holds a license
41 for processing to test marijuana before it is sold in
42 addition to when it is dispensed; deleting obsolete
43 language; revising marijuana packaging requirements;
44 providing application requirements for an MMTC to
45 obtain a retail license; providing for the expiration
46 and renewal of such licenses; requiring an MMTC to
47 obtain a facility permit before selling, dispensing,
48 or storing marijuana in the facility; requiring the
49 facility to cease certain operations under certain
50 circumstances; prohibiting a dispensing facility from
51 repackaging or modifying marijuana that has already
52 been packaged for sale, with certain exceptions;
53 authorizing a retail licensee to contract with an MMTC
54 that has a transportation license to transport
55 marijuana for the retail licensee under certain
56 circumstances; prohibiting onsite consumption or
57 administration of marijuana at a dispensing facility;
58 revising requirements for the dispensing of marijuana;

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59 requiring a licensed retail MMTC to include specified
60 information on a label for marijuana or a marijuana
61 delivery device dispensed to a qualified patient or
62 caregiver; authorizing an MMTC to sell marijuana to an
63 adult 21 years of age or older under certain
64 circumstances; requiring MMTC employees to verify the
65 age of such buyers using specified methods;
66 prohibiting an MMTC from requesting or storing any
67 personal information of a buyer other than that needed
68 to verify the buyer's age; deleting a provision
69 prohibiting an MMTC from dispensing or selling
70 specified products; providing application requirements
71 for an MMTC to obtain a transportation license;
72 providing marijuana transportation requirements;
73 prohibiting the transportation of marijuana on certain
74 properties; prohibiting the transportation of
75 marijuana in a vehicle that is not owned or leased by
76 a licensee or the licensee's contractor and not
77 appropriately permitted by the department; providing a
78 process for the issuance and cancellation of vehicle
79 permits; requiring that each permitted vehicle be GPS
80 monitored; specifying that a permitted vehicle
81 transporting marijuana is subject to inspection and
82 search without a search warrant by specified persons;
83 authorizing an MMTC licensed to transport marijuana
84 and marijuana delivery devices to deliver or contract
85 for the delivery of marijuana to other MMTCs, to
86 qualified patients and caregivers within this state,
87 and to adults 21 years of age or older within this

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88 state; establishing that a county or municipality may
89 not prohibit deliveries of marijuana and marijuana
90 delivery devices to qualified patients and caregivers
91 within the county or municipality; requiring an MMTC
92 delivering marijuana or a marijuana delivery device to
93 a qualified patient or his or her caregiver to verify
94 the identity of the qualified patient; requiring an
95 MMTC delivering marijuana to an adult 21 years of age
96 or older to verify his or her age; requiring the
97 department to adopt certain rules for the delivery of
98 marijuana; authorizing MMTCs to use contractors to
99 assist with the transportation of marijuana, but
100 providing that an MMTC is responsible for the actions
101 and operations of the contractor which are related to
102 the transportation of marijuana; requiring an MMTC to
103 know the location of all of its marijuana products at
104 all times; requiring principals and employees of a
105 contractor to register with the department and receive
106 an MMTC employee identification card before
107 participating in the operations of the MMTC; providing
108 for the permitting of cultivation, processing,
109 dispensing, and storage facilities; requiring the
110 department to adopt by rule a facility permit
111 application form; requiring the department to inspect
112 a facility before issuing a permit; requiring the
113 department to issue or deny a facility permit within a
114 specified timeframe; providing for the expiration of
115 facility permits; requiring the department to inspect
116 a facility for compliance before the renewal of a

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117 facility permit; requiring an MMTC to cease applicable
118 operations if a facility's permit expires or is
119 suspended or revoked; requiring cultivation facilities
120 and processing facilities to be insured with specified
121 hazard and liability insurance; providing cultivation
122 facility and processing facility requirements;
123 preempting to the state all matters regarding the
124 permitting and regulation of cultivation facilities
125 and processing facilities; requiring dispensing
126 facilities and storage facilities to be insured with
127 specified hazard and liability insurance; providing
128 dispensing facility and storage facility requirements;
129 clarifying that the governing body of a county or a
130 municipality may prohibit a dispensing facility from
131 being located in its jurisdiction or limit the number
132 of such facilities but may not prohibit a licensed
133 retail MMTC or its permitted storage facility from
134 being located in such county's or municipality's
135 jurisdiction if the MMTC is delivering marijuana to
136 qualified patients in that jurisdiction; prohibiting
137 the department from issuing a facility permit for a
138 dispensing facility in a county or municipality that
139 adopts a specified ordinance; authorizing a county or
140 municipality to levy a local tax on a dispensing
141 facility; providing that local ordinances may not
142 result in or provide for certain outcomes; authorizing
143 the department to adopt specified requirements by
144 rule; requiring the department to adopt rules to
145 administer the registration of certain MMTC

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146 principals, employees, and contractors; requiring an
147 MMTC to apply to the department for the registration
148 of certain persons before hiring or contracting with
149 any such persons; requiring the department to adopt by
150 rule a registration form that includes specified
151 information; requiring the department to register
152 persons who satisfy specified conditions and issue
153 them MMTC employee identification cards; requiring a
154 registered person and the MMTC to update the
155 department within a specified timeframe if certain
156 information or the person's employment status changes;
157 authorizing the department to contract with vendors to
158 issue MMTC employee identification cards; requiring
159 the department to inspect an MMTC and its facilities
160 upon receipt of a complaint and to inspect each
161 permitted facility at least biennially; authorizing
162 the department to conduct additional inspections of a
163 facility under certain circumstances; authorizing the
164 department to impose administrative penalties on an
165 MMTC for violating certain provisions; requiring the
166 department to refuse to renew an MMTC's cultivation,
167 processing, retail, or transportation license under
168 certain circumstances; revising provisions related to
169 penalties and fees to conform to changes made by the
170 act; providing applicability; conforming provisions to
171 changes made by the act; creating s. 381.990, F.S.;
172 authorizing an adult 21 years of age or older to
173 purchase, possess, use, transport, or transfer to
174 another adult 21 years of age or older marijuana

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175 products, marijuana in a form for smoking, and
176 marijuana delivery devices under certain
177 circumstances; providing that such marijuana products,
178 marijuana in a form for smoking, or marijuana delivery
179 devices must be purchased from an MMTC licensed by the
180 department for the retail sale of marijuana and
181 registered with the Department of Business and
182 Professional Regulation for sale of marijuana for
183 adult use; providing penalties; clarifying that a
184 private property owner may restrict the smoking or
185 vaping of marijuana on his or her property but may not
186 prevent his or her tenants from possessing or using
187 marijuana by other means; providing that certain
188 provisions do not exempt a person from prosecution for
189 a criminal offense related to impairment or
190 intoxication resulting from the use of marijuana and
191 do not relieve a person from any legal requirement to
192 submit to certain tests to detect the presence of a
193 controlled substance; requiring the Department of
194 Agriculture and Consumer Services to conduct a study
195 on the harms and benefits of allowing the cultivation
196 of marijuana by members of the public for private use,
197 including use of a specified model; requiring the
198 department to report the results of the study to the
199 Governor and the Legislature by a specified date;
200 amending s. 893.13, F.S.; authorizing a person 21
201 years of age or older to possess marijuana products in
202 a specified amount and to deliver marijuana products
203 to another person 21 years of age or older under

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204 certain circumstances; providing criminal penalties
205 for the delivery or possession of marijuana products
206 by a person younger than 21 years of age under certain
207 circumstances; creating s. 893.1352, F.S.; providing
208 legislative intent; providing for the retroactive
209 applicability of s. 893.13, F.S.; requiring certain
210 sentences for specified offenses; requiring sentence
211 review hearings for individuals serving certain
212 sentences for specified crimes; providing resentencing
213 procedures; requiring the waiver of certain
214 conviction-related fines, fees, and costs under
215 certain circumstances; amending s. 893.147, F.S.;
216 authorizing a person 21 years of age or older to
217 possess, use, transport, or deliver, without
218 consideration, a marijuana delivery device to a person
219 21 years of age or older; providing criminal penalties
220 for a person younger than 21 years of age who
221 possesses, uses, transports, or delivers, without
222 consideration, a marijuana delivery device to a person
223 21 years of age or older; creating s. 943.0586, F.S.;
224 defining terms; authorizing an individual convicted of
225 certain crimes to petition the court for expunction of
226 his or her criminal history record under certain
227 circumstances; requiring the individual to first
228 obtain a certificate of eligibility from the
229 Department of Law Enforcement; requiring the
230 department to adopt rules establishing the procedures
231 for applying for and issuing such certificates;
232 requiring the department to issue a certificate under

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233 certain circumstances; providing for the expiration of
234 and reapplication for the certificate; providing
235 requirements for the petition for expunction;
236 providing criminal penalties; providing for the
237 court's authority over its own procedures, with an
238 exception; requiring the court to order the expunction
239 of a criminal history record under certain
240 circumstances; clarifying that expunction of certain
241 criminal history records does not affect eligibility
242 for expunction of other criminal history records;
243 providing procedures for processing expunction
244 petitions and orders; providing that a person granted
245 an expunction may lawfully deny or fail to acknowledge
246 the underlying arrest or conviction, with exceptions;
247 providing that a person may not be deemed to have
248 committed perjury or otherwise held liable for giving
249 a false statement if he or she fails to recite or
250 acknowledge an expunged criminal history record;
251 amending s. 893.15, F.S.; conforming a provision to
252 changes made by the act; providing effective dates.

253
254 Be It Enacted by the Legislature of the State of Florida:

255
256 Section 1. Paragraph (1) of subsection (2) of section
257 212.08, Florida Statutes, is amended to read:

258 212.08 Sales, rental, use, consumption, distribution, and
259 storage tax; specified exemptions.—The sale at retail, the
260 rental, the use, the consumption, the distribution, and the
261 storage to be used or consumed in this state of the following

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262 are hereby specifically exempt from the tax imposed by this
263 chapter.

264 (2) EXEMPTIONS; MEDICAL.—

265 (1) Marijuana and marijuana delivery devices, as defined in
266 s. 381.986, are exempt from the taxes imposed under this chapter
267 when they are purchased by a qualified patient or a caregiver,
268 as those terms are defined in s. 381.986.

269 Section 2. Paragraphs (d) through (h), (j), and (k) of
270 subsection (1), paragraph (b) of subsection (3), paragraph (f)
271 of subsection (4), paragraphs (a) and (f) of subsection (5),
272 paragraph (b) of subsection (6), subsections (8) through (12),
273 paragraphs (a), (b), (c), and (e) of subsection (14), and
274 subsection (17) of section 381.986, Florida Statutes, are
275 amended to read:

276 381.986 Medical use of marijuana.—

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

278 (d) “Edibles” means commercially produced food items made
279 with marijuana oil, but no other form of marijuana, which ~~that~~
280 are produced and dispensed by a medical marijuana treatment
281 center (MMTC).

282 (e) “Low-THC cannabis” means a plant of the genus *Cannabis*,
283 the dried flowers of which contain 0.8 percent or less of
284 tetrahydrocannabinol and more than 10 percent of cannabidiol
285 weight for weight; the seeds thereof; the resin extracted from
286 any part of such plant; or any compound, manufacture, salt,
287 derivative, mixture, or preparation of such plant or its seeds
288 or resin which ~~that~~ is dispensed from an MMTC ~~a medical~~
289 ~~marijuana treatment center~~.

290 (f) “Marijuana” means all parts of any plant of the genus

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291 *Cannabis*, whether growing or not; the seeds thereof; the resin
292 extracted from any part of the plant; and every compound,
293 manufacture, salt, derivative, mixture, or preparation of the
294 plant or its seeds or resin, including low-THC cannabis, which
295 is ~~are~~ dispensed from an MMTC ~~a medical marijuana treatment~~
296 ~~center~~ for medical use by a qualified patient.

297 (g) "Marijuana delivery device" means an object used,
298 intended for use, or designed for use in preparing, storing,
299 ingesting, inhaling, or otherwise introducing marijuana into the
300 human body, ~~and~~ which object is dispensed from an MMTC ~~a medical~~
301 ~~marijuana treatment center~~ for medical use by a qualified
302 patient; however, such objects ~~except that delivery devices that~~
303 are intended solely for the medical use of marijuana by smoking
304 need not be dispensed from an MMTC and ~~a medical marijuana~~
305 ~~treatment center in order to~~ qualify as marijuana delivery
306 devices.

307 (h) "Marijuana testing laboratory" means a facility
308 certified by the department pursuant to s. 381.988 which ~~that~~
309 collects and analyzes marijuana samples from an MMTC ~~a medical~~
310 ~~marijuana treatment center and has been certified by the~~
311 ~~department pursuant to s. 381.988.~~

312 (j) "Medical use" means the acquisition, possession, use,
313 delivery, transfer, or administration of marijuana authorized by
314 a physician certification. The term does not include:

315 1. Possession, use, or administration of marijuana that was
316 not purchased or acquired from an MMTC ~~a medical marijuana~~
317 ~~treatment center.~~

318 2. Possession, use, or administration of marijuana in the
319 form of commercially produced food items other than edibles or

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320 of marijuana seeds.

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

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

327 5. Use or administration of marijuana in the following
328 locations:

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

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

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

335 d. In a state correctional institution, as defined in s.
336 944.02, or a correctional institution, as defined in s. 944.241.

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

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

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

343 (k) "Physician certification" means a qualified physician's
344 authorization for a qualified patient to receive marijuana and a
345 marijuana delivery device from an MMTC ~~a medical marijuana~~
346 ~~treatment center~~.

347 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

348 (b) A qualified physician may not be employed by, or have

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349 any direct or indirect economic interest in, a medical marijuana
350 treatment center (MMTC) or marijuana testing laboratory.

351 (4) PHYSICIAN CERTIFICATION.—

352 (f) A qualified physician may not issue a physician
353 certification for more than three 70-day supply limits of
354 marijuana or more than six 35-day supply limits of marijuana in
355 a form for smoking. The department shall quantify by rule a
356 daily dose amount with equivalent dose amounts for each
357 allowable form of marijuana dispensed by a medical marijuana
358 treatment center (MMTC). The department shall use the daily dose
359 amount to calculate a 70-day supply.

360 1. A qualified physician may request an exception to the
361 daily dose amount limit, the 35-day supply limit of marijuana in
362 a form for smoking, and the 4-ounce possession limit of
363 marijuana in a form for smoking established in paragraph
364 (14) (a). The request shall be made electronically on a form
365 adopted by the department in rule and must include, at a
366 minimum:

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

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

370 c. A description of how the patient will benefit from an
371 increased amount.

372 d. The minimum daily dose amount of marijuana that would be
373 sufficient for the treatment of the qualified patient's
374 qualifying medical condition.

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

377 3. The department shall approve or disapprove the request

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378 within 14 days after receipt of the complete documentation
379 required by this paragraph. The request shall be deemed approved
380 if the department fails to act within this time period.

381 (5) MEDICAL MARIJUANA USE REGISTRY.—

382 (a) The department shall create and maintain a secure,
383 electronic, and online medical marijuana use registry for
384 physicians, patients, and caregivers as provided under this
385 section. The medical marijuana use registry must be accessible
386 to law enforcement agencies, qualified physicians, and medical
387 marijuana treatment centers (MMTCs) to verify the authorization
388 of a qualified patient or a caregiver to possess marijuana or a
389 marijuana delivery device and record the marijuana or marijuana
390 delivery device dispensed. The medical marijuana use registry
391 must also be accessible to practitioners licensed to prescribe
392 prescription drugs to ensure proper care for patients before
393 medications that may interact with the medical use of marijuana
394 are prescribed. The medical marijuana use registry must prevent
395 an active registration of a qualified patient by multiple
396 physicians.

397 (f) The department may revoke the registration of a
398 qualified patient or caregiver who cultivates marijuana or who
399 acquires, possesses, or delivers marijuana from any person or
400 entity other than an MMTC ~~a medical marijuana treatment center.~~

401 (6) CAREGIVERS.—

402 (b) A caregiver must:

403 1. Not be a qualified physician and not be employed by or
404 have an economic interest in a medical marijuana treatment
405 center (MMTC) or a marijuana testing laboratory.

406 2. Be 21 years of age or older and a resident of this

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407 state.

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

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

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

417 6. Pass a level 2 background screening pursuant to chapter
418 435 subsection (9), unless the patient is a close relative of
419 the caregiver. In addition to the disqualifying offenses
420 specified in s. 435.04(2) and (3), a person may not serve as a
421 caregiver if he or she has an arrest awaiting final disposition
422 for; has been found guilty of, regardless of adjudication; or
423 has entered a plea of nolo contendere or guilty to an offense
424 under chapter 837, chapter 895, or chapter 896 or a similar law
425 of another jurisdiction.

426 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

427 ~~(a) The department shall license medical marijuana~~
428 ~~treatment centers to ensure reasonable statewide accessibility~~
429 ~~and availability as necessary for qualified patients registered~~
430 ~~in the medical marijuana use registry and who are issued a~~
431 ~~physician certification under this section.~~

432 ~~1. As soon as practicable, but no later than July 3, 2017,~~
433 ~~the department shall license as a medical marijuana treatment~~
434 ~~center any entity that holds an active, unrestricted license to~~
435 ~~cultivate, process, transport, and dispense low-THC cannabis,~~

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436 ~~medical cannabis, and cannabis delivery devices, under former s.~~
437 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
438 ~~meets the requirements of this section. In addition to the~~
439 ~~authority granted under this section, these entities are~~
440 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
441 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
442 ~~Florida Statutes 2016, which were entered into the compassionate~~
443 ~~use registry before July 1, 2017, and are authorized to begin~~
444 ~~dispensing marijuana under this section on July 3, 2017. The~~
445 ~~department may grant variances from the representations made in~~
446 ~~such an entity's original application for approval under former~~
447 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (c).~~

448 ~~2. The department shall license as medical marijuana~~
449 ~~treatment centers 10 applicants that meet the requirements of~~
450 ~~this section, under the following parameters:~~

451 ~~a. As soon as practicable, but no later than August 1,~~
452 ~~2017, the department shall license any applicant whose~~
453 ~~application was reviewed, evaluated, and scored by the~~
454 ~~department and which was denied a dispensing organization~~
455 ~~license by the department under former s. 381.986, Florida~~
456 ~~Statutes 2014; which had one or more administrative or judicial~~
457 ~~challenges pending as of January 1, 2017, or had a final ranking~~
458 ~~within one point of the highest final ranking in its region~~
459 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
460 ~~requirements of this section; and which provides documentation~~
461 ~~to the department that it has the existing infrastructure and~~
462 ~~technical and technological ability to begin cultivating~~
463 ~~marijuana within 30 days after registration as a medical~~
464 ~~marijuana treatment center.~~

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

471 ~~e. As soon as practicable, but no later than October 3,~~
472 ~~2017, the department shall license applicants that meet the~~
473 ~~requirements of this section in sufficient numbers to result in~~
474 ~~10 total licenses issued under this subparagraph, while~~
475 ~~accounting for the number of licenses issued under sub-~~
476 ~~subparagraphs a. and b.~~

477 ~~3. For up to two of the licenses issued under subparagraph~~
478 ~~2., the department shall give preference to applicants that~~
479 ~~demonstrate in their applications that they own one or more~~
480 ~~facilities that are, or were, used for the canning,~~
481 ~~concentrating, or otherwise processing of citrus fruit or citrus~~
482 ~~molasses and will use or convert the facility or facilities for~~
483 ~~the processing of marijuana.~~

484 ~~4. Within 6 months after the registration of 100,000 active~~
485 ~~qualified patients in the medical marijuana use registry, the~~
486 ~~department shall license four additional medical marijuana~~
487 ~~treatment centers that meet the requirements of this section.~~
488 ~~Thereafter, the department shall license four medical marijuana~~
489 ~~treatment centers within 6 months after the registration of each~~
490 ~~additional 100,000 active qualified patients in the medical~~
491 ~~marijuana use registry that meet the requirements of this~~
492 ~~section.~~

493 ~~5. Dispensing facilities are subject to the following~~

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494 ~~requirements:~~

495 ~~a. A medical marijuana treatment center may not establish~~
496 ~~or operate more than a statewide maximum of 25 dispensing~~
497 ~~facilities, unless the medical marijuana use registry reaches a~~
498 ~~total of 100,000 active registered qualified patients. When the~~
499 ~~medical marijuana use registry reaches 100,000 active registered~~
500 ~~qualified patients, and then upon each further instance of the~~
501 ~~total active registered qualified patients increasing by~~
502 ~~100,000, the statewide maximum number of dispensing facilities~~
503 ~~that each licensed medical marijuana treatment center may~~
504 ~~establish and operate increases by five.~~

505 ~~b. A medical marijuana treatment center may not establish~~
506 ~~more than the maximum number of dispensing facilities allowed in~~
507 ~~each of the Northwest, Northeast, Central, Southwest, and~~
508 ~~Southeast Regions. The department shall determine a medical~~
509 ~~marijuana treatment center's maximum number of dispensing~~
510 ~~facilities allowed in each region by calculating the percentage~~
511 ~~of the total statewide population contained within that region~~
512 ~~and multiplying that percentage by the medical marijuana~~
513 ~~treatment center's statewide maximum number of dispensing~~
514 ~~facilities established under sub-subparagraph a., rounded to the~~
515 ~~nearest whole number. The department shall ensure that such~~
516 ~~rounding does not cause a medical marijuana treatment center's~~
517 ~~total number of statewide dispensing facilities to exceed its~~
518 ~~statewide maximum. The department shall initially calculate the~~
519 ~~maximum number of dispensing facilities allowed in each region~~
520 ~~for each medical marijuana treatment center using county~~
521 ~~population estimates from the Florida Estimates of Population~~
522 ~~2016, as published by the Office of Economic and Demographic~~

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523 ~~Research, and shall perform recalculations following the~~
524 ~~official release of county population data resulting from each~~
525 ~~United States Decennial Census. For the purposes of this~~
526 ~~subparagraph:~~

527 ~~(I) The Northwest Region consists of Bay, Calhoun,~~
528 ~~Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,~~
529 ~~Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,~~
530 ~~Walton, and Washington Counties.~~

531 ~~(II) The Northeast Region consists of Alachua, Baker,~~
532 ~~Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,~~
533 ~~Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,~~
534 ~~Suwannee, and Union Counties.~~

535 ~~(III) The Central Region consists of Brevard, Citrus,~~
536 ~~Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,~~
537 ~~Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia~~
538 ~~Counties.~~

539 ~~(IV) The Southwest Region consists of Charlotte, Collier,~~
540 ~~DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,~~
541 ~~Okeechobee, and Sarasota Counties.~~

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

544 ~~e. If a medical marijuana treatment center establishes a~~
545 ~~number of dispensing facilities within a region that is less~~
546 ~~than the number allowed for that region under sub-subparagraph~~
547 ~~b., the medical marijuana treatment center may sell one or more~~
548 ~~of its unused dispensing facility slots to other licensed~~
549 ~~medical marijuana treatment centers. For each dispensing~~
550 ~~facility slot that a medical marijuana treatment center sells,~~
551 ~~that medical marijuana treatment center's statewide maximum~~

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552 ~~number of dispensing facilities, as determined under sub-~~
553 ~~subparagraph a., is reduced by one. The statewide maximum number~~
554 ~~of dispensing facilities for a medical marijuana treatment~~
555 ~~center that purchases an unused dispensing facility slot is~~
556 ~~increased by one per slot purchased. Additionally, the sale of a~~
557 ~~dispensing facility slot shall reduce the seller's regional~~
558 ~~maximum and increase the purchaser's regional maximum number of~~
559 ~~dispensing facilities, as determined in sub-subparagraph b., by~~
560 ~~one for that region. For any slot purchased under this sub-~~
561 ~~subparagraph, the regional restriction applied to that slot's~~
562 ~~location under sub-subparagraph b. before the purchase shall~~
563 ~~remain in effect following the purchase. A medical marijuana~~
564 ~~treatment center that sells or purchases a dispensing facility~~
565 ~~slot must notify the department within 3 days of sale.~~

566 ~~d. This subparagraph shall expire on April 1, 2020.~~

567
568 ~~If this subparagraph or its application to any person or~~
569 ~~circumstance is held invalid, the invalidity does not affect~~
570 ~~other provisions or applications of this act which can be given~~
571 ~~effect without the invalid provision or application, and to this~~
572 ~~end, the provisions of this subparagraph are severable.~~

573 ~~(b) An applicant for licensure as a medical marijuana~~
574 ~~treatment center shall apply to the department on a form~~
575 ~~prescribed by the department and adopted in rule. The department~~
576 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
577 ~~establishing a procedure for the issuance and biennial renewal~~
578 ~~of licenses, including initial application and biennial renewal~~
579 ~~fees sufficient to cover the costs of implementing and~~
580 ~~administering this section, and establishing supplemental~~

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581 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
582 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
583 ~~department shall identify applicants with strong diversity plans~~
584 ~~reflecting this state's commitment to diversity and implement~~
585 ~~training programs and other educational programs to enable~~
586 ~~minority persons and minority business enterprises, as defined~~
587 ~~in s. 288.703, and veteran business enterprises, as defined in~~
588 ~~s. 295.187, to compete for medical marijuana treatment center~~
589 ~~licensure and contracts. Subject to the requirements in~~
590 ~~subparagraphs (a)2.-4., the department shall issue a license to~~
591 ~~an applicant if the applicant meets the requirements of this~~
592 ~~section and pays the initial application fee. The department~~
593 ~~shall renew the licensure of a medical marijuana treatment~~
594 ~~center biennially if the licensee meets the requirements of this~~
595 ~~section and pays the biennial renewal fee. An individual may not~~
596 ~~be an applicant, owner, officer, board member, or manager on~~
597 ~~more than one application for licensure as a medical marijuana~~
598 ~~treatment center. An individual or entity may not be awarded~~
599 ~~more than one license as a medical marijuana treatment center.~~
600 ~~An applicant for licensure as a medical marijuana treatment~~
601 ~~center must demonstrate:~~

602 ~~1. That, for the 5 consecutive years before submitting the~~
603 ~~application, the applicant has been registered to do business in~~
604 ~~the state.~~

605 ~~2. Possession of a valid certificate of registration issued~~
606 ~~by the Department of Agriculture and Consumer Services pursuant~~
607 ~~to s. 581.131.~~

608 ~~3. The technical and technological ability to cultivate and~~
609 ~~produce marijuana, including, but not limited to, low-THC~~

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610 ~~cannabis.~~

611 ~~4. The ability to secure the premises, resources, and~~
612 ~~personnel necessary to operate as a medical marijuana treatment~~
613 ~~center.~~

614 ~~5. The ability to maintain accountability of all raw~~
615 ~~materials, finished products, and any byproducts to prevent~~
616 ~~diversion or unlawful access to or possession of these~~
617 ~~substances.~~

618 ~~6. An infrastructure reasonably located to dispense~~
619 ~~marijuana to registered qualified patients statewide or~~
620 ~~regionally as determined by the department.~~

621 ~~7. The financial ability to maintain operations for the~~
622 ~~duration of the 2-year approval cycle, including the provision~~
623 ~~of certified financial statements to the department.~~

624 ~~a. Upon approval, the applicant must post a \$5 million~~
625 ~~performance bond issued by an authorized surety insurance~~
626 ~~company rated in one of the three highest rating categories by a~~
627 ~~nationally recognized rating service. However, a medical~~
628 ~~marijuana treatment center serving at least 1,000 qualified~~
629 ~~patients is only required to maintain a \$2 million performance~~
630 ~~bond.~~

631 ~~b. In lieu of the performance bond required under sub-~~
632 ~~subparagraph a., the applicant may provide an irrevocable letter~~
633 ~~of credit payable to the department or provide cash to the~~
634 ~~department. If provided with cash under this sub-subparagraph,~~
635 ~~the department shall deposit the cash in the Grants and~~
636 ~~Donations Trust Fund within the Department of Health, subject to~~
637 ~~the same conditions as the bond regarding requirements for the~~
638 ~~applicant to forfeit ownership of the funds. If the funds~~

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639 ~~deposited under this sub-subparagraph generate interest, the~~
640 ~~amount of that interest shall be used by the department for the~~
641 ~~administration of this section.~~

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

644 ~~9. The employment of a medical director to supervise the~~
645 ~~activities of the medical marijuana treatment center.~~

646 ~~10. A diversity plan that promotes and ensures the~~
647 ~~involvement of minority persons and minority business~~
648 ~~enterprises, as defined in s. 288.703, or veteran business~~
649 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
650 ~~and employment. An applicant for licensure renewal must show the~~
651 ~~effectiveness of the diversity plan by including the following~~
652 ~~with his or her application for renewal:~~

653 ~~a. Representation of minority persons and veterans in the~~
654 ~~medical marijuana treatment center's workforce;~~

655 ~~b. Efforts to recruit minority persons and veterans for~~
656 ~~employment; and~~

657 ~~c. A record of contracts for services with minority~~
658 ~~business enterprises and veteran business enterprises.~~

659 ~~(c) A medical marijuana treatment center may not make a~~
660 ~~wholesale purchase of marijuana from, or a distribution of~~
661 ~~marijuana to, another medical marijuana treatment center, unless~~
662 ~~the medical marijuana treatment center seeking to make a~~
663 ~~wholesale purchase of marijuana submits proof of harvest failure~~
664 ~~to the department.~~

665 ~~(a)(d) Department responsibilities.~~—The department shall do
666 all of the following:

667 1. Adopt by rule all of the following:

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668 a. Operating standards for the cultivation, processing,
669 packaging, and labeling of marijuana.

670 b. Standards for the sale of marijuana.

671 c. Procedures and requirements for all of the following:
672 (I) The registration and registration renewal of medical
673 marijuana treatment centers (MMTCs).

674 (II) The issuance and renewal of cultivation, processing,
675 retail, and transportation operating licenses.

676 (III) The issuance and renewal of cultivation, processing,
677 dispensing, and storage facility permits and of vehicle permits.

678 (IV) The registration of all principals, employees, and
679 contractors of an MMTC who will participate in the operations of
680 the MMTC.

681 (V) The issuance of MMTC employee identification cards to
682 registered principals, employees, and contractors of MMTCs.

683 2. Establish, maintain, and control a computer software
684 tracking system that traces marijuana from seed to sale and
685 allows real-time, 24-hour access by the department to data from
686 all ~~MMTCs~~ ~~medical marijuana treatment centers~~ and marijuana
687 testing laboratories. The tracking system must allow for
688 integration of other seed-to-sale systems and, at a minimum,
689 include notification of when marijuana seeds are planted, when
690 marijuana plants are harvested and destroyed, and when marijuana
691 is transported, sold, stolen, diverted, or lost. Each MMTC must
692 ~~medical marijuana treatment center~~ shall use the seed-to-sale
693 tracking system established by the department or integrate its
694 own seed-to-sale tracking system with the seed-to-sale tracking
695 system established by the department. Each MMTC ~~medical~~
696 ~~marijuana treatment center~~ may use its own seed-to-sale system

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697 until the department establishes a seed-to-sale tracking system.
698 The department may contract with a vendor to establish the seed-
699 to-sale tracking system. The vendor selected by the department
700 may not have a contractual relationship with the department to
701 perform any services pursuant to this section other than the
702 seed-to-sale tracking system. The vendor may not have a direct
703 or indirect financial interest in an MMTC ~~a medical marijuana~~
704 ~~treatment center~~ or a marijuana testing laboratory.

705 (b) Registration.

706 1. The department shall adopt by rule an MMTC registration
707 form that requires, at a minimum, all of the following:

708 a. The applicant's full legal name.

709 b. The physical address of each location where the
710 applicant will apply for a facility permit to cultivate,
711 process, dispense, or store marijuana.

712 c. The name, address, and date of birth of the applicant's
713 principals.

714 d. The name, address, and date of birth of the applicant's
715 current employees and contractors who will participate in the
716 operations of the MMTC.

717 e. The operation or operations in which the applicant
718 intends to engage, which may include one or more of the
719 following:

720 (I) Cultivation.

721 (II) Processing.

722 (III) Retail sales.

723 (IV) Transportation.

724 2. To be registered as an MMTC, an applicant must submit
725 all of the following to the department:

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- 726 a. The applicant's completed registration form.
- 727 b. Personnel registration forms, as described in subsection
728 (9), for all principals, employees, and contractors listed on
729 the applicant's registration form who will participate in the
730 operations of the MMTC. The department may not register the
731 applicant as an MMTC until all principals, employees, and
732 contractors listed on the applicant's registration form have
733 registered with the department and are issued MMTC employee
734 identification cards.
- 735 c. Proof that all principals listed on the applicant's
736 registration form who will not participate in the operations of
737 the MMTC have passed a level 2 background screening pursuant to
738 chapter 435 within the previous year.
- 739 d. Proof that the MMTC has the capability to comply with
740 seed-to-sale tracking system requirements.
- 741 e. Proof of the applicant's financial ability to maintain
742 operations for the duration of the registration.
- 743 f. A \$500,000 performance and compliance bond, or a \$1
744 million performance and compliance bond if the MMTC intends to
745 cultivate or process marijuana, which will be forfeited if the
746 MMTC fails to comply with:
- 747 (I) Registration requirements in this subsection during the
748 registration period; or
- 749 (II) Material requirements of this section which are
750 applicable to the functions the applicant intends to perform, as
751 indicated on the registration form.
- 752 3. A registration expires 2 years after the date it is
753 issued.
- 754 4. In addition to obtaining registration pursuant to this

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755 paragraph, an MMTC must obtain an operating license for each
756 operation it will perform as provided in paragraph (c),
757 paragraph (d), or paragraph (f), as applicable.

758 (c) Cultivation licenses and processing licenses.-

759 1. A registered MMTC may apply for a cultivation license or
760 a processing license. When applying, the MMTC shall provide the
761 department with, at a minimum, all of the following:

762 a. A completed cultivation license or processing license
763 application form.

764 b. The physical address of each location where marijuana
765 will be cultivated, processed, or stored.

766 c. As applicable to the requested license or licenses:

767 (I) Proof of an established infrastructure, or the ability
768 to establish an infrastructure in a reasonable amount of time,
769 which is designed for cultivation, processing, testing,
770 packaging, and labeling marijuana; maintaining the
771 infrastructure's security; and preventing the theft or diversion
772 of any marijuana.

773 (II) Proof that the applicant has the technical and
774 technological ability to cultivate and test or process and test
775 marijuana.

776 d. Proof of operating procedures designed to secure and
777 maintain accountability for all marijuana and marijuana-related
778 byproducts that come into the applicant's possession and to
779 comply with the required seed-to-sale tracking system.

780 2. Cultivation licenses and processing licenses expire 2
781 years after the date they are issued. To renew a license, the
782 licensee must meet all of the requirements for initial
783 licensure; must provide all of the documentation required under

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784 subparagraph 1.; and must not have any uncorrected substantial
785 violations of the standards adopted by department rule for the
786 cultivation, processing, testing, packaging, and labeling of
787 marijuana.

788 3. Before beginning cultivation or processing at any
789 location, the licensee must obtain a facility permit from the
790 department for that location pursuant to paragraph (g).

791 4. A licensee under this subsection may use contractors to
792 assist with the cultivation or processing of marijuana, as
793 applicable, but the licensee is ultimately responsible for all
794 of the operations performed by each contractor relating to the
795 cultivation or processing of marijuana and is responsible for
796 maintaining physical possession of the marijuana at all times.
797 All work done by a contractor must be performed at a location
798 that has a facility permit issued by the department. A licensee
799 using a contractor must register any principal or employee of a
800 contractor who will be participating in the operations of the
801 licensee as provided in subsection (9). Such principal or
802 employee may not begin participating in the operations of the
803 licensee until he or she has received an MMTC employee
804 identification card from the department.

805 5. All marijuana byproducts that cannot be processed or
806 reprocessed must be destroyed by the cultivation licensee or the
807 processing licensee or their respective contractors within 30
808 days after the production of the byproducts.

809 6. A licensee under this subsection may wholesale marijuana
810 only to other registered MMTCs. Before wholesaling marijuana,
811 the wholesaling MMTC shall provide the purchasing MMTC with
812 documentation showing that the marijuana meets the testing,

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813 packaging, and labeling requirements of this section. The
814 purchasing MMTC shall review such documentation to determine
815 that the marijuana is in compliance with this section before
816 taking possession of the marijuana.

817 7. Transportation or delivery of marijuana outside of the
818 property owned by a licensee under this subsection may be
819 performed only by an MMTC that holds a transportation license
820 issued pursuant to paragraph (f).

821 ~~(e) A licensed medical marijuana treatment center shall~~
822 ~~cultivate, process, transport, and dispense marijuana for~~
823 ~~medical use. A licensed medical marijuana treatment center may~~
824 ~~not contract for services directly related to the cultivation,~~
825 ~~processing, and dispensing of marijuana or marijuana delivery~~
826 ~~devices, except that a medical marijuana treatment center~~
827 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
828 ~~single entity for the cultivation, processing, transporting, and~~
829 ~~dispensing of marijuana and marijuana delivery devices. A~~
830 ~~licensed medical marijuana treatment center must, at all times,~~
831 ~~maintain compliance with the criteria demonstrated and~~
832 ~~representations made in the initial application and the criteria~~
833 ~~established in this subsection. Upon request, the department may~~
834 ~~grant a medical marijuana treatment center a variance from the~~
835 ~~representations made in the initial application. Consideration~~
836 ~~of such a request shall be based upon the individual facts and~~
837 ~~circumstances surrounding the request. A variance may not be~~
838 ~~granted unless the requesting medical marijuana treatment center~~
839 ~~can demonstrate to the department that it has a proposed~~
840 ~~alternative to the specific representation made in its~~
841 ~~application which fulfills the same or a similar purpose as the~~

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842 ~~specific representation in a way that the department can~~
843 ~~reasonably determine will not be a lower standard than the~~
844 ~~specific representation in the application. A variance may not~~
845 ~~be granted from the requirements in subparagraph 2. and~~
846 ~~subparagraphs (b)1. and 2.~~

847 ~~1. A licensed medical marijuana treatment center may~~
848 ~~transfer ownership to an individual or entity who meets the~~
849 ~~requirements of this section. A publicly traded corporation or~~
850 ~~publicly traded company that meets the requirements of this~~
851 ~~section is not precluded from ownership of a medical marijuana~~
852 ~~treatment center. To accommodate a change in ownership:~~

853 ~~a. The licensed medical marijuana treatment center shall~~
854 ~~notify the department in writing at least 60 days before the~~
855 ~~anticipated date of the change of ownership.~~

856 ~~b. The individual or entity applying for initial licensure~~
857 ~~due to a change of ownership must submit an application that~~
858 ~~must be received by the department at least 60 days before the~~
859 ~~date of change of ownership.~~

860 ~~c. Upon receipt of an application for a license, the~~
861 ~~department shall examine the application and, within 30 days~~
862 ~~after receipt, notify the applicant in writing of any apparent~~
863 ~~errors or omissions and request any additional information~~
864 ~~required.~~

865 ~~d. Requested information omitted from an application for~~
866 ~~licensure must be filed with the department within 21 days after~~
867 ~~the department's request for omitted information or the~~
868 ~~application shall be deemed incomplete and shall be withdrawn~~
869 ~~from further consideration and the fees shall be forfeited.~~

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871 ~~Within 30 days after the receipt of a complete application, the~~
872 ~~department shall approve or deny the application.~~

873 ~~2. A medical marijuana treatment center, and any individual~~
874 ~~or entity who directly or indirectly owns, controls, or holds~~
875 ~~with power to vote 5 percent or more of the voting shares of a~~
876 ~~medical marijuana treatment center, may not acquire direct or~~
877 ~~indirect ownership or control of any voting shares or other form~~
878 ~~of ownership of any other medical marijuana treatment center.~~

879 ~~3. A medical marijuana treatment center may not enter into~~
880 ~~any form of profit-sharing arrangement with the property owner~~
881 ~~or lessor of any of its facilities where cultivation,~~
882 ~~processing, storing, or dispensing of marijuana and marijuana~~
883 ~~delivery devices occurs.~~

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

887 ~~5. Each medical marijuana treatment center must adopt and~~
888 ~~enforce policies and procedures to ensure employees and~~
889 ~~volunteers receive training on the legal requirements to~~
890 ~~dispense marijuana to qualified patients.~~

891 ~~8.6.~~ When growing marijuana, an MMTC licensed for
892 cultivation ~~a medical marijuana treatment center:~~

893 a. May use pesticides determined by the department, after
894 consultation with the Department of Agriculture and Consumer
895 Services, to be safely applied to plants intended for human
896 consumption, but may not use pesticides designated as
897 restricted-use pesticides pursuant to s. 487.042.

898 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
899 cultivation facility ~~structure~~ and in a room separate from any

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900 other plant.

901 c. Shall ~~Must~~ inspect seeds and growing plants for plant
902 pests that endanger or threaten the horticultural and
903 agricultural interests of the state in accordance with chapter
904 581 and any rules adopted thereunder.

905 d. Shall ~~Must~~ perform fumigation or treatment of plants, or
906 remove and destroy infested or infected plants, in accordance
907 with chapter 581 and any rules adopted thereunder.

908 ~~7. Each medical marijuana treatment center must produce and~~
909 ~~make available for purchase at least one low-THC cannabis~~
910 ~~product.~~

911 9.8. An MMTC ~~A medical marijuana treatment center~~ that
912 produces edibles must hold a permit to operate as a food
913 establishment pursuant to chapter 500, the Florida Food Safety
914 Act, and must comply with all the requirements for food
915 establishments pursuant to chapter 500 and any rules adopted
916 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
917 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
918 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
919 may have a tetrahydrocannabinol potency variance of no greater
920 than 15 percent. Edibles may not be attractive to children; be
921 manufactured in the shape of humans, cartoons, or animals; be
922 manufactured in a form that bears any reasonable resemblance to
923 products available for consumption as commercially available
924 candy; or contain any color additives. To discourage consumption
925 of edibles by children, the department shall determine by rule
926 any shapes, forms, and ingredients allowed and prohibited for
927 edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin
928 processing or dispensing edibles until after the effective date

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929 of the rule. The department shall also adopt sanitation rules
930 providing the standards and requirements for the storage,
931 display, or dispensing of edibles.

932 ~~9. Within 12 months after licensure, a medical marijuana~~
933 ~~treatment center must demonstrate to the department that all of~~
934 ~~its processing facilities have passed a Food Safety Good~~
935 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
936 ~~or equivalent, inspection by a nationally accredited certifying~~
937 ~~body. A medical marijuana treatment center must immediately stop~~
938 ~~processing at any facility which fails to pass this inspection~~
939 ~~until it demonstrates to the department that such facility has~~
940 ~~met this requirement.~~

941 ~~10. A medical marijuana treatment center that produces~~
942 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
943 ~~with tobacco or hemp.~~

944 ~~10.11.~~ When processing marijuana, an MMTC licensed for
945 processing shall a medical marijuana treatment center must:

946 a. Process the marijuana within an enclosed permitted
947 processing facility structure and in a room separate from other
948 plants or products.

949 b. Comply with department rules when processing marijuana
950 with hydrocarbon solvents or other solvents or gases exhibiting
951 potential toxicity to humans. The department shall determine by
952 rule the requirements for the medical marijuana treatment
953 centers to use of such solvents or gases by MMTCs exhibiting
954 ~~potential toxicity to humans.~~

955 c. Comply with federal and state laws and regulations and
956 department rules for solid and liquid wastes. The department
957 shall determine by rule procedures for the storage, handling,

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958 transportation, management, and disposal of solid and liquid
959 waste generated during marijuana production and processing. The
960 Department of Environmental Protection shall assist the
961 department in developing such rules.

962 d. Test the processed marijuana using a medical marijuana
963 testing laboratory before it is sold or dispensed. Results must
964 be verified and signed by two MMTC ~~medical marijuana treatment~~
965 ~~center~~ employees. Before selling, wholesaling, or dispensing,
966 the MMTC shall ~~medical marijuana treatment center must~~ determine
967 that the test results indicate that low-THC cannabis meets the
968 definition of low-THC cannabis, the concentration of
969 tetrahydrocannabinol meets the potency requirements of this
970 section, the labeling of the concentration of
971 tetrahydrocannabinol and cannabidiol is accurate, and all
972 marijuana is safe for human consumption and free from
973 contaminants that are unsafe for human consumption. The
974 department shall determine by rule which contaminants must be
975 tested for and the maximum levels of each contaminant which are
976 safe for human consumption. The Department of Agriculture and
977 Consumer Services shall assist the department in developing the
978 testing requirements for contaminants that are unsafe for human
979 consumption in edibles. The department shall also determine by
980 rule the procedures for the treatment of marijuana that fails to
981 meet the testing requirements of this section, s. 381.988, or
982 department rule. The department may select a random sample from
983 edibles available for purchase in a dispensing facility, which
984 must shall be tested by the department to determine that the
985 edible meets the potency requirements of this section and~~7~~ is
986 safe for human consumption~~7~~ and that the labeling of the

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987 tetrahydrocannabinol and cannabidiol concentration is accurate.
988 An MMTC ~~A medical marijuana treatment center~~ may not require
989 payment from the department for the sample. An MMTC shall ~~A~~
990 ~~medical marijuana treatment center~~ ~~must~~ recall edibles,
991 including all edibles made from the same batch of marijuana,
992 which fail to meet the potency requirements of this section,
993 which are unsafe for human consumption, or for which the
994 labeling of the tetrahydrocannabinol and cannabidiol
995 concentration is inaccurate. An MMTC shall ~~The medical marijuana~~
996 ~~treatment center~~ ~~must~~ retain records of all testing and samples
997 of each homogenous batch of marijuana for at least 9 months. An
998 MMTC shall ~~The medical marijuana treatment center~~ ~~must~~ contract
999 with a marijuana testing laboratory to perform audits on the
1000 MMTC's ~~medical marijuana treatment center's~~ standard operating
1001 procedures, testing records, and samples and provide the results
1002 to the department to confirm that the marijuana or low-THC
1003 cannabis meets the requirements of this section and that the
1004 marijuana or low-THC cannabis is safe for human consumption. An
1005 MMTC ~~A medical marijuana treatment center~~ shall reserve two
1006 processed samples from each batch and retain such samples for at
1007 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
1008 ~~marijuana treatment center~~ may use a laboratory that has not
1009 been certified by the department under s. 381.988 until such
1010 time as at least one laboratory holds the required
1011 certification, ~~but in no event later than July 1, 2018.~~

1012 e. Package the marijuana in compliance with the United
1013 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1014 1471 et seq.

1015 f. Package the marijuana in a receptacle that has a firmly

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1016 affixed and legible label stating the following information:

1017 (I) That the marijuana or low-THC cannabis meets the
1018 requirements of sub-subparagraph d.

1019 (II) The name of the MMTC ~~medical-marijuana treatment~~
1020 ~~center~~ from which the marijuana originates.

1021 (III) The batch number and harvest number from which the
1022 marijuana originates and the date that the marijuana is sold or
1023 dispensed.

1024 ~~(IV) The name of the physician who issued the physician~~
1025 ~~certification.~~

1026 ~~(V) The name of the patient.~~

1027 ~~(VI)~~ The product name, if applicable, and dosage form,
1028 including concentration of tetrahydrocannabinol and cannabidiol.
1029 The product name may not contain wording commonly associated
1030 with products marketed by or to children.

1031 (V) ~~(VII)~~ The recommended dose.

1032 (VI) ~~(VIII)~~ A warning that it is illegal to transfer ~~medical~~
1033 marijuana to a another person younger than 21 years of age.

1034 (VII) ~~(IX)~~ A marijuana universal symbol developed by the
1035 department.

1036 11.12. The MMTC that packages the marijuana ~~medical~~
1037 ~~marijuana treatment center~~ shall include in each package an a
1038 ~~patient package~~ insert with information on the specific product
1039 dispensed related to all of the following:

- 1040 a. Clinical pharmacology.
1041 b. Indications and use.
1042 c. Dosage and administration.
1043 d. Dosage forms and strengths.
1044 e. Contraindications.

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1045 f. Warnings and precautions.

1046 g. Adverse reactions.

1047 ~~12.13.~~ In addition to the packaging and labeling
1048 requirements specified in subparagraphs 10. and 11. ~~and 12.~~,
1049 marijuana in a form for smoking must be packaged in a sealed
1050 receptacle with a legible and prominent warning to keep the
1051 receptacle away from children and a warning that states that
1052 marijuana smoke contains carcinogens and may negatively affect
1053 health. Such receptacles for marijuana in a form for smoking
1054 must be plain, opaque, and white without depictions of the
1055 product or images other than the MMTC's ~~medical marijuana~~
1056 ~~treatment center's~~ department-approved logo and the marijuana
1057 universal symbol.

1058 ~~13.14.~~ The department shall adopt rules to regulate the
1059 types, appearance, and labeling of marijuana delivery devices
1060 dispensed from an MMTC ~~a medical marijuana treatment center~~. The
1061 rules must require marijuana delivery devices to have an
1062 appearance consistent with medical use.

1063 ~~14.15.~~ Each edible must ~~shall~~ be individually sealed in
1064 plain, opaque wrapping marked only with the marijuana universal
1065 symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with
1066 the marijuana universal symbol. In addition to the packaging and
1067 labeling requirements in subparagraphs 10. and 11. ~~and 12.~~,
1068 edible receptacles must be plain, opaque, and white without
1069 depictions of the product or images other than the MMTC's
1070 ~~medical marijuana treatment center's~~ department-approved logo
1071 and the marijuana universal symbol. The receptacle must also
1072 include a list of all the edible's ingredients, storage
1073 instructions, information on the estimated amount of time for

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1074 the edible to take effect, an expiration date, a legible and
1075 prominent warning to keep the receptacle away from children and
1076 pets, and a warning that the edible has not been produced or
1077 inspected pursuant to federal food safety laws.

1078 (d) Retail licenses.—

1079 1. A registered MMTC may apply for a retail license. When
1080 applying, the MMTC must provide the department with, at a
1081 minimum, all of the following:

1082 a. A completed retail license application form.

1083 b. A statement by the applicant which indicates whether the
1084 applicant intends to dispense by delivery. A retail licensee may
1085 not deliver marijuana without also obtaining a transportation
1086 license pursuant to paragraph (f).

1087 c. The physical address of each location where the
1088 applicant will dispense or store marijuana.

1089 d. Identifying information for all other current or
1090 previous retail licenses held by the applicant or any of the
1091 applicant's principals.

1092 e. Proof of operating procedures designed to secure and
1093 maintain accountability for all marijuana that the applicant
1094 receives and possesses, to ensure that only the allowed amount
1095 of marijuana is sold or dispensed, to ensure that the specified
1096 type of marijuana is correctly dispensed to a qualified patient
1097 or his or her caregiver pursuant to a physician certification,
1098 and to monitor the medical marijuana patient registry and
1099 electronically update the registry with dispensing information.

1100 2. A retail license expires 2 years after the date it is
1101 issued. The retail licensee must apply for license renewal
1102 before the expiration date. To renew a license, a retail

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1103 licensee must meet all of the requirements for initial
1104 licensure; must provide all of the documents required under
1105 paragraph (b); and must not have any outstanding substantial
1106 violations of the applicable standards adopted by department
1107 rule.

1108 3. Before beginning to sell, dispense, or store marijuana,
1109 the licensee shall obtain a facility permit from the department
1110 for each location where marijuana will be sold, dispensed, or
1111 stored. If a facility's permit expires or is suspended or
1112 revoked, the MMTC must cease all applicable operations at that
1113 facility until the department inspects the facility and renews
1114 or reinstates the facility's permit.

1115 4. A dispensing facility may not repackage or modify
1116 marijuana that has already been packaged for sale by a
1117 cultivation licensee or processing licensee, unless the
1118 repackaging is of unprocessed marijuana, is done in accordance
1119 with instructions from the cultivator or processor, and is
1120 documented in the required seed-to-sale tracking system.

1121 5. A retail licensee may contract with an MMTC that has a
1122 transportation license to transport marijuana between properties
1123 owned by the retail licensee, to deliver the marijuana for sale
1124 or dispensing, and to pick up returns of marijuana.

1125 6. Onsite consumption or administration of marijuana at a
1126 dispensing facility is prohibited.

1127 7.16. ~~When dispensing marijuana or a marijuana delivery~~
1128 ~~device, an MMTC licensed for retail a medical marijuana~~
1129 ~~treatment center:~~

1130 a. May dispense any active, valid order for low-THC
1131 cannabis, medical cannabis and cannabis delivery devices issued

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1132 pursuant to former s. 381.986, Florida Statutes 2016, which was
1133 entered into the medical marijuana use registry before July 1,
1134 2017.

1135 b. May not dispense more than one ~~a~~ 70-day supply of
1136 marijuana within any 70-day period to a qualified patient or
1137 caregiver and; may not dispense more than one 35-day supply of
1138 marijuana in a form for smoking within any 35-day period to a
1139 qualified patient or caregiver. A 35-day supply of marijuana in
1140 a form for smoking may not exceed 2.5 ounces unless an exception
1141 to this amount is approved by the department pursuant to
1142 paragraph (4) (f).

1143 c. Shall require ~~Must have~~ the MMTC's ~~medical marijuana~~
1144 ~~treatment center's~~ employee who dispenses the marijuana or a
1145 marijuana delivery device to enter into the medical marijuana
1146 use registry his or her name or unique employee identifier.

1147 d. When dispensing to a qualified patient or caregiver,
1148 shall ~~must~~ verify that the qualified patient and, if applicable,
1149 ~~the caregiver, if applicable,~~ each have an active registration
1150 in the medical marijuana use registry and an active and valid
1151 medical marijuana use registry identification card; that, the
1152 amount and type of marijuana dispensed matches the physician
1153 certification in the medical marijuana use registry for that
1154 qualified patient; and that the physician certification has not
1155 already been filled.

1156 e. When dispensing to a qualified patient or caregiver,
1157 shall label the marijuana or the marijuana delivery device with
1158 the name of the physician who issued the physician certification
1159 and the name of the patient for whom the certification was
1160 issued before it is dispensed.

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1161 ~~f.e.~~ May not dispense marijuana to a qualified patient who
1162 is younger than 18 years of age. If the qualified patient is
1163 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1164 only to the qualified patient's caregiver.

1165 g. May sell marijuana to an adult 21 years of age or older
1166 pursuant to s. 381.990, provided that the MMTC is registered
1167 with the Department of Business and Professional Regulation
1168 pursuant to that section. When selling marijuana pursuant to
1169 that section, the employee selling the marijuana must determine
1170 that the appearance of the buyer is such that a prudent person
1171 would believe the buyer to be 21 years of age or older or must
1172 carefully check the buyer's driver license, identification card
1173 issued by this state or another state of the United States,
1174 passport, or United States Armed Services identification card to
1175 determine the buyer's age. Other than for the purpose of
1176 determining a buyer's age, an MMTC may not request or store any
1177 personal information provided by the buyer.

1178 ~~h.f.~~ May not dispense or sell any ~~other type of cannabis,~~
1179 ~~alcohol, or illicit drug-related product, including pipes or~~
1180 ~~wrapping papers made with tobacco or hemp, other than a~~
1181 ~~marijuana delivery device required for the medical use of~~
1182 ~~marijuana and which is specified in a physician certification.~~

1183 ~~i.g. Must,~~ Upon dispensing the marijuana or marijuana
1184 delivery device to a qualified patient or caregiver, shall
1185 record in the registry the date, time, quantity, and form of
1186 marijuana dispensed; the type of marijuana delivery device
1187 dispensed; and the name and medical marijuana use registry
1188 identification number of the qualified patient or caregiver to
1189 whom the marijuana delivery device was dispensed.

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1190 ~~j.h.~~ Shall ~~Must~~ ensure that patient records are not visible
1191 to anyone other than the qualified patient, his or her
1192 caregiver, and authorized MMTC ~~medical-marijuana-treatment~~
1193 ~~center~~ employees.

1194 ~~(e)-(f)~~ Security.—To ensure the safety and security of
1195 premises where the cultivation, processing, storing, or
1196 dispensing of marijuana occurs, and to maintain adequate
1197 controls against the diversion, theft, and loss of marijuana or
1198 marijuana delivery devices, an MMTC ~~a medical-marijuana~~
1199 ~~treatment-center~~ shall do all of the following:

1200 1.a. Maintain a fully operational security alarm system
1201 that secures all entry points and perimeter windows and is
1202 equipped with motion detectors; pressure switches; and duress,
1203 panic, and hold-up alarms. ~~;~~ ~~and~~

1204 b. Maintain a video surveillance system that records
1205 continuously, 24 hours a day, and meets all of the following
1206 criteria:

1207 (I) Cameras are fixed in a place that allows for the clear
1208 identification of persons and activities in controlled areas of
1209 the premises. Controlled areas include grow rooms, processing
1210 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1211 rooms.

1212 (II) Cameras are fixed in entrances and exits to the
1213 premises in a place that allows recording, ~~which shall record~~
1214 from both indoor and outdoor, or ingress and egress, vantage
1215 points.

1216 (III) Produces recorded images that ~~must~~ clearly and
1217 accurately display the time and date of recording.

1218 ~~c.~~ ~~(IV)~~ Retain video surveillance recordings for at least 45

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1219 days or longer upon the request of a law enforcement agency.

1220 2. Ensure that the MMTC's ~~medical marijuana treatment~~
1221 ~~center's~~ outdoor premises have sufficient lighting from dusk
1222 until dawn.

1223 3. Ensure that the indoor premises where dispensing occurs
1224 include ~~includes~~ a waiting area with sufficient space and
1225 seating to accommodate qualified patients and caregivers and at
1226 least one private consultation area that is isolated from the
1227 waiting area and the area where dispensing occurs. An MMTC ~~A~~
1228 ~~medical marijuana treatment center~~ may not display products or
1229 dispense marijuana or marijuana delivery devices in the waiting
1230 area.

1231 4. Cease dispensing ~~Not dispense from its premises~~
1232 marijuana or ~~a~~ marijuana delivery devices from its premises
1233 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
1234 perform all other operations and deliver marijuana to qualified
1235 patients 24 hours a day.

1236 5. Store marijuana in a secured, locked room or a vault.

1237 6. Require at least two of its employees, or two employees
1238 of a security agency with whom it contracts, to be on the
1239 premises ~~at all times~~ where cultivation, processing, or storing
1240 of marijuana occurs, at all times.

1241 7. Require each employee or contractor to wear a photo
1242 identification badge at all times while on the premises.

1243 8. Require each visitor to wear a visitor pass at all times
1244 while on the premises.

1245 9. Implement an alcohol and drug-free workplace policy.

1246 10. Report to a local law enforcement agency within 24
1247 hours after the MMTC ~~medical marijuana treatment center~~ is

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1248 notified or becomes aware of the theft, diversion, or loss of
1249 marijuana.

1250 (f) Transportation licenses; vehicle permits.—

1251 1. A registered MMTC may apply for a transportation
1252 license. When applying, the MMTC shall provide the department
1253 with, at a minimum, all of the following:

1254 a. The physical address of the MMTC's place of business.

1255 b. Proof that the MMTC has a documentation system in
1256 accordance with the required seed-to-sale tracking system,
1257 including transportation manifests, for transporting marijuana
1258 between licensed facilities and to qualified patients.

1259 Transportation manifests may be electronically stored and
1260 presented.

1261 c. Proof of the MMTC's compliance with health and
1262 sanitation standards for the transportation of marijuana.

1263 d. Proof that all marijuana transported between licensed
1264 facilities will be transported in tamper-evident shipping
1265 containers.

1266 2. An MMTC with a transportation license may not transport
1267 marijuana on the property of an airport, a seaport, a spaceport,
1268 or any property of the Federal Government.

1269 3. An MMTC with a transportation license may transport
1270 marijuana and marijuana delivery devices only in a vehicle that
1271 is owned or leased by the MMTC or the MMTC's contractor and for
1272 which a valid vehicle permit has been issued by the department.

1273 4. An MMTC with a transportation license may obtain a
1274 vehicle permit upon submission of an application. The MMTC must
1275 designate as the driver for each permitted vehicle an employee
1276 or contracted employee who is registered with the department and

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1277 who is authorized to possess marijuana when not on the property
1278 of the MMTC. Such designation must be displayed in the vehicle
1279 at all times. Each permitted vehicle must be GPS monitored. A
1280 vehicle permit remains valid and does not expire unless the MMTC
1281 or its contractor disposes of the permitted vehicle or the
1282 MMTC's registration or transportation license is transferred,
1283 canceled, not renewed, or revoked by the department. The
1284 department shall cancel a vehicle permit upon the request of the
1285 MMTC or its contractor.

1286 5. When transporting marijuana, a permitted vehicle is
1287 subject to inspection and search without a search warrant by
1288 authorized employees of the department, sheriffs, deputy
1289 sheriffs, police officers, or other law enforcement officers to
1290 determine that the MMTC is operating in compliance with this
1291 section.

1292 6. An MMTC with a transportation license may deliver, or
1293 contract for the delivery of, marijuana and marijuana delivery
1294 devices to other MMTCs, to qualified patients and caregivers
1295 within this state, and to adults 21 years of age or older within
1296 this state. A county or municipality may not prohibit deliveries
1297 of marijuana and marijuana delivery devices to qualified
1298 patients or caregivers within the county or municipality.
1299 Deliveries may be made only to the qualified patient who placed
1300 the order or his or her caregiver. When delivering to a
1301 qualified patient or caregiver, an MMTC or its contractor shall
1302 verify the identity of the qualified patient upon placement of
1303 the delivery order and, again, upon delivery. When delivering
1304 marijuana to an adult 21 years of age or older, an MMTC or its
1305 contractor shall verify the age of the buyer upon placement of

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1306 the order and, again, upon delivery. In order to verify the age
1307 of the buyer, the MMTC must determine that the appearance of the
1308 buyer is such that a prudent person would believe the buyer to
1309 be 21 years of age or older or must carefully check the buyer's
1310 driver license, identification card issued by this state or
1311 another state of the United States, passport, or United States
1312 Armed Services identification card to determine the buyer's age.
1313 The department shall adopt rules specific to the delivery of
1314 marijuana which include both of the following:

1315 a. Procedures for verifying the age and identity of the
1316 person placing the order for and receiving a delivery, as
1317 appropriate, including required training for delivery personnel.

1318 b. A maximum dispensary value for all marijuana and
1319 currency that may be in the possession of a registered MMTC
1320 employee or contractor while he or she makes a delivery. The
1321 maximum value established by rule may not be less than \$5,000.

1322 7. Licensees under this subsection may use contractors to
1323 assist with the transportation of marijuana, but the licensee is
1324 ultimately responsible for all of the actions and operations of
1325 each contractor relating to the transportation of marijuana and
1326 must know the location of all marijuana products at all times.
1327 To participate in the operations of a licensee under this
1328 subsection, a principal or employee of a contractor contracted
1329 by the licensee must first register with the department under
1330 subsection (9) and be issued an MMTC employee identification
1331 card.

1332 (g) *Facility permits.*—

1333 1. Before cultivating, processing, dispensing, or storing
1334 marijuana at any location, an MMTC shall apply to the department

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1335 for the applicable facility permit for that facility. The
1336 department shall adopt by rule an application form. Upon
1337 receiving a request for a permit from a licensee, the department
1338 shall inspect the facility for compliance with this section and
1339 rules adopted hereunder, and, upon a determination of
1340 compliance, shall issue a permit to the facility. The department
1341 shall issue or deny a facility permit within 30 days after
1342 receiving the request for the permit.

1343 2. A facility permit expires 2 years after the date it is
1344 issued. Each facility must be inspected by the department for
1345 compliance with this section and department rules before the
1346 facility's permit is renewed.

1347 3. If a facility permit expires or is suspended or revoked,
1348 the MMTC must cease all applicable operations at that facility
1349 until the department inspects the facility and renews or
1350 reinstates the facility's permit.

1351 4. Cultivation facilities and processing facilities:

1352 a. Shall maintain insurance with at least \$1 million of
1353 hazard and liability insurance per location; and

1354 b. Must be secure, closed to the public, and, unless an
1355 ordinance allows the facility to be located closer, located at
1356 least 1,000 feet away from any existing public or private
1357 elementary or secondary school, a child care facility as defined
1358 in s. 402.302, or a licensed service provider offering substance
1359 abuse services.

1360 5. All matters regarding the permitting and regulation of
1361 cultivation facilities and processing facilities, including the
1362 location of such facilities, are preempted to the state.

1363 6. Dispensing facilities and storage facilities:

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1364 a. Shall maintain insurance with at least \$500,000 of
1365 hazard and liability insurance for each facility where marijuana
1366 is dispensed or stored; and

1367 b. Unless an ordinance allows the facility to be located
1368 closer, must be located at least 1,000 feet away from any
1369 existing public or private elementary or secondary school, child
1370 care facility as defined in s. 402.302, or licensed service
1371 provider offering substance abuse services.

1372 7. The governing body of a county or municipality, by
1373 ordinance, may prohibit or limit the number of dispensing
1374 facilities located within its jurisdiction but may not prohibit
1375 an MMTC with a retail license or its permitted storage facility
1376 from being located within its jurisdiction if the licensee is
1377 delivering or contracting to deliver marijuana within that
1378 jurisdiction. The department may not issue a facility permit for
1379 a dispensing facility in a county or municipality in which the
1380 board of county commissioners or other local governing body, as
1381 applicable, has adopted such an ordinance. A county or
1382 municipality may not require, request, or accept financial
1383 contributions or similar benefits from MMTCs, but, in addition
1384 to other taxes authorized by law, a county or municipality may
1385 levy a local business tax on a dispensing facility. An ordinance
1386 adopted by a municipality or county pursuant to this paragraph
1387 may not do any of the following:

1388 a. Provide exclusive access to one or several individuals
1389 or entities to operate dispensing facilities within the
1390 jurisdiction.

1391 b. Prohibit specific individuals or entities from operating
1392 a dispensing facility within the jurisdiction if the ordinance

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1393 allows dispensing facilities to operate in the jurisdiction.

1394 c. Prohibit the delivery of marijuana within the
 1395 jurisdiction by a properly licensed MMTC located within the
 1396 jurisdiction.

1397 8. The department may adopt by rule additional requirements
 1398 for the permitting of cultivation, processing, dispensing, and
 1399 storage facilities to ensure the sanitary, safe, and secure
 1400 cultivation, processing, dispensing, storage, and sale of
 1401 marijuana.

1402 ~~To ensure the safe transport of marijuana and marijuana~~
 1403 ~~delivery devices to medical marijuana treatment centers,~~
 1404 ~~marijuana testing laboratories, or qualified patients, a medical~~
 1405 ~~marijuana treatment center must:~~

1406 ~~1. Maintain a marijuana transportation manifest in any~~
 1407 ~~vehicle transporting marijuana. The marijuana transportation~~
 1408 ~~manifest must be generated from a medical marijuana treatment~~
 1409 ~~center's seed-to-sale tracking system and include the:~~

- 1410 ~~a. Departure date and approximate time of departure.~~
- 1411 ~~b. Name, location address, and license number of the~~
 1412 ~~originating medical marijuana treatment center.~~
- 1413 ~~c. Name and address of the recipient of the delivery.~~
- 1414 ~~d. Quantity and form of any marijuana or marijuana delivery~~
 1415 ~~device being transported.~~
- 1416 ~~e. Arrival date and estimated time of arrival.~~
- 1417 ~~f. Delivery vehicle make and model and license plate~~
 1418 ~~number.~~
- 1419 ~~g. Name and signature of the medical marijuana treatment~~
 1420 ~~center employees delivering the product.~~

1421 ~~(I) A copy of the marijuana transportation manifest must be~~

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1422 ~~provided to each individual, medical marijuana treatment center,~~
1423 ~~or marijuana testing laboratory that receives a delivery. The~~
1424 ~~individual, or a representative of the center or laboratory,~~
1425 ~~must sign a copy of the marijuana transportation manifest~~
1426 ~~acknowledging receipt.~~

1427 ~~(II) An individual transporting marijuana or a marijuana~~
1428 ~~delivery device must present a copy of the relevant marijuana~~
1429 ~~transportation manifest and his or her employee identification~~
1430 ~~card to a law enforcement officer upon request.~~

1431 ~~(III) Medical marijuana treatment centers and marijuana~~
1432 ~~testing laboratories must retain copies of all marijuana~~
1433 ~~transportation manifests for at least 3 years.~~

1434 ~~2. Ensure only vehicles in good working order are used to~~
1435 ~~transport marijuana.~~

1436 ~~3. Lock marijuana and marijuana delivery devices in a~~
1437 ~~separate compartment or container within the vehicle.~~

1438 ~~4. Require employees to have possession of their employee~~
1439 ~~identification card at all times when transporting marijuana or~~
1440 ~~marijuana delivery devices.~~

1441 ~~5. Require at least two persons to be in a vehicle~~
1442 ~~transporting marijuana or marijuana delivery devices, and~~
1443 ~~require at least one person to remain in the vehicle while the~~
1444 ~~marijuana or marijuana delivery device is being delivered.~~

1445 ~~6. Provide specific safety and security training to~~
1446 ~~employees transporting or delivering marijuana and marijuana~~
1447 ~~delivery devices.~~

1448 ~~(h) Advertising.-An MMTC A medical marijuana treatment~~
1449 ~~center may not engage in advertising that is visible to members~~
1450 ~~of the public from any street, sidewalk, park, or other public~~

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1451 place, except:

1452 1. An MMTC dispensing facility ~~The dispensing location of A~~
1453 ~~medical marijuana treatment center~~ may have a sign that is
1454 affixed to the outside or hanging in the window of the premises
1455 which identifies the dispensing facility ~~dispensary~~ by the
1456 licensee's business name, a department-approved trade name, or a
1457 department-approved logo. An MMTC's ~~A medical marijuana~~
1458 ~~treatment center's~~ trade name and logo may not contain wording
1459 or images commonly associated with marketing targeted toward
1460 children ~~or which promote recreational use of marijuana.~~

1461 2. An MMTC ~~A medical marijuana treatment center~~ may engage
1462 in Internet advertising and marketing under the following
1463 conditions:

1464 a. All advertisements must be approved by the department.

1465 b. An advertisement may not have any content that
1466 specifically targets individuals under the age of 18, including
1467 cartoon characters or similar images.

1468 c. An advertisement may not be an unsolicited pop-up
1469 advertisement.

1470 d. Opt-in marketing must include an easy and permanent opt-
1471 out feature.

1472 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1473 ~~marijuana treatment center~~ that dispenses marijuana and
1474 marijuana delivery devices shall make all of the following
1475 available to the public on its website:

1476 1. Each marijuana and low-THC product available for
1477 purchase, including the form, strain of marijuana from which it
1478 was extracted, cannabidiol content, tetrahydrocannabinol
1479 content, dose unit, total number of doses available, and the

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1480 ratio of cannabidiol to tetrahydrocannabinol for each product.

1481 2. The price for a 30-day, 50-day, and 70-day supply at a
1482 standard dose for each marijuana and low-THC product available
1483 for purchase.

1484 3. The price for each marijuana delivery device available
1485 for purchase.

1486 4. If applicable, any discount policies and eligibility
1487 criteria for such discounts.

1488 (j) Sourcing of marijuana for medical use.—~~MMTCs Medical~~
1489 ~~marijuana treatment centers~~ are the sole source from which a
1490 person qualified patient may legally obtain marijuana.

1491 (k) Rulemaking.—The department may adopt rules pursuant to
1492 ss. 120.536(1) and 120.54 to implement this subsection.

1493 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1494 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1495 (a) The department shall adopt rules to administer the
1496 registration of medical marijuana treatment center (MMTC)
1497 principals, employees, and contractors who participate in the
1498 operations of an MMTC. Before hiring or contracting with any
1499 individual who is not registered with the department or who does
1500 not possess a current MMTC employee identification card, an MMTC
1501 must apply to the department to register that person as an MMTC
1502 employee. The department shall adopt by rule a form for such
1503 applications for registration, which must require the applicant
1504 to provide all of the following:

1505 1. His or her full legal name, social security number, date
1506 of birth, and home address.

1507 2. A full-face, passport-type, color photograph of the
1508 applicant taken within the 90 days immediately preceding

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1509 submission of the application.

1510 3. Proof that he or she has passed a level 2 background
1511 screening pursuant to chapter 435 within the previous year.

1512 4. An indication as to whether the applicant will be
1513 authorized by the MMTC to possess marijuana while not on MMTC
1514 property.

1515 (b) Once the department has received a completed
1516 application form from an MMTC, the department shall register the
1517 principal, employee, or contractor associated with the MMTC and
1518 issue him or her an MMTC employee identification card that, at a
1519 minimum, includes all of the following:

1520 1. The employee's name and the name of the MMTC that
1521 employs him or her.

1522 2. The employee's photograph, as required under paragraph
1523 (a).

1524 3. The expiration date of the card, which must be 1 year
1525 after the date it is issued.

1526 4. An indication of whether the employee is authorized by
1527 the MMTC to possess marijuana while not on MMTC property.

1528 (c) If any information provided to the department for the
1529 registration of an MMTC principal, employee, or contractor or in
1530 the application for an MMTC employee identification card changes
1531 or if the registered person's employment status with the MMTC
1532 changes, the registered person and the MMTC must provide the
1533 department with the new information or status within 7 days
1534 after the change.

1535 (d) The department may contract with one or more vendors
1536 for the purpose of issuing MMTC employee identification cards
1537 under this subsection.

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1538 ~~BACKGROUND SCREENING. An individual required to undergo a~~
1539 ~~background screening pursuant to this section must pass a level~~
1540 ~~2 background screening as provided under chapter 435, which, in~~
1541 ~~addition to the disqualifying offenses provided in s. 435.04,~~
1542 ~~shall exclude an individual who has an arrest awaiting final~~
1543 ~~disposition for, has been found guilty of, regardless of~~
1544 ~~adjudication, or has entered a plea of nolo contendere or guilty~~
1545 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~
1546 ~~similar law of another jurisdiction.~~

1547 ~~(a) Such individual must submit a full set of fingerprints~~
1548 ~~to the department or to a vendor, entity, or agency authorized~~
1549 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
1550 ~~shall forward the fingerprints to the Department of Law~~
1551 ~~Enforcement for state processing, and the Department of Law~~
1552 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~
1553 ~~of Investigation for national processing.~~

1554 ~~(b) Fees for state and federal fingerprint processing and~~
1555 ~~retention shall be borne by the individual. The state cost for~~
1556 ~~fingerprint processing shall be as provided in s. 943.053(3)(c)~~
1557 ~~for records provided to persons or entities other than those~~
1558 ~~specified as exceptions therein.~~

1559 ~~(c) Fingerprints submitted to the Department of Law~~
1560 ~~Enforcement pursuant to this subsection shall be retained by the~~
1561 ~~Department of Law Enforcement as provided in s. 943.05(2)(g) and~~
1562 ~~(h) and, when the Department of Law Enforcement begins~~
1563 ~~participation in the program, enrolled in the Federal Bureau of~~
1564 ~~Investigation's national retained print arrest notification~~
1565 ~~program. Any arrest record identified shall be reported to the~~
1566 ~~department.~~

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1567 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1568 ADMINISTRATIVE ACTIONS.—

1569 (a) ~~The department shall conduct announced or unannounced~~
1570 ~~inspections of medical marijuana treatment centers to determine~~
1571 ~~compliance with this section or rules adopted pursuant to this~~
1572 ~~section.~~

1573 (b) ~~The department shall inspect a medical marijuana~~
1574 ~~treatment center~~ Upon receiving a complaint or notice that a the
1575 medical marijuana treatment center (MMTC) has dispensed
1576 marijuana containing mold, bacteria, or another ~~other~~
1577 contaminant that may cause or has caused an adverse effect to
1578 human health or the environment, the department shall inspect
1579 the MMTC, its facilities, and, as appropriate, any cultivation
1580 or processing facility of the MMTC from which the batch of
1581 marijuana was purchased.

1582 (b) ~~(e)~~ The department shall conduct at least a biennial
1583 inspection of each MMTC ~~medical marijuana treatment center~~ to
1584 evaluate its ~~the medical marijuana treatment center's~~ records,
1585 personnel, equipment, processes, security measures, sanitation
1586 practices, and quality assurance practices.

1587 (c) The department shall conduct at least a biennial
1588 inspection of each permitted facility. The department may
1589 conduct additional announced or unannounced inspections of a
1590 permitted facility within reasonable hours in order to ensure
1591 compliance with this section and rules adopted hereunder.

1592 (d) The Department of Agriculture and Consumer Services and
1593 the department shall enter into an interagency agreement to
1594 ensure cooperation and coordination in the performance of their
1595 obligations under this section and their respective regulatory

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1596 and authorizing laws. The department, the Department of Highway
1597 Safety and Motor Vehicles, and the Department of Law Enforcement
1598 may enter into interagency agreements for the purposes specified
1599 in this subsection or subsection (7).

1600 (e) The department shall publish a list of all approved
1601 MMTCs ~~medical marijuana treatment centers~~, medical directors,
1602 and qualified physicians on its website.

1603 (f) The department may impose administrative penalties,
1604 including reasonable fines not to exceed \$10,000, on an MMTC a
1605 ~~medical marijuana treatment center~~ for any of the following
1606 violations:

- 1607 1. Violating this section or department rule.
- 1608 2. Failing to maintain qualifications for approval.
- 1609 3. Endangering the health, safety, or security of a
1610 qualified patient or an adult purchasing marijuana pursuant to
1611 s. 381.990.
- 1612 4. Improperly disclosing personal and confidential
1613 information of the qualified patient.
- 1614 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1615 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1616 extortion.
- 1617 6. Being convicted or found guilty of, or entering a plea
1618 of guilty or nolo contendere to, regardless of adjudication, a
1619 crime in any jurisdiction which directly relates to the business
1620 of an MMTC a ~~medical marijuana treatment center~~.
- 1621 7. Making or filing a report or record that the MMTC
1622 ~~medical marijuana treatment center~~ knows to be false.
- 1623 8. Willfully failing to maintain a record required by this
1624 section or department rule.

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1625 9. Willfully impeding or obstructing an employee or agent
1626 of the department in the furtherance of his or her official
1627 duties.

1628 10. Engaging in fraud or deceit, negligence, incompetence,
1629 or misconduct in the business practices of an MMTC ~~a medical~~
1630 ~~marijuana treatment center~~.

1631 11. Making misleading, deceptive, or fraudulent
1632 representations in or related to the business practices of an
1633 MMTC ~~a medical marijuana treatment center~~.

1634 12. Having a license or the authority to engage in any
1635 regulated profession, occupation, or business that is related to
1636 the business practices of an MMTC ~~a medical marijuana treatment~~
1637 ~~center~~ suspended, revoked, or otherwise acted against by the
1638 licensing authority of any jurisdiction, including its agencies
1639 or subdivisions, for a violation that would constitute a
1640 violation under Florida law.

1641 13. Violating a lawful order of the department or an agency
1642 of the state, or failing to comply with a lawfully issued
1643 subpoena of the department or an agency of the state.

1644 14. Failing to adequately determine the age of a buyer who
1645 is not a qualified patient or caregiver.

1646 (g) The department may suspend, revoke, or refuse to renew
1647 an MMTC's registration, operating licenses, and any vehicle
1648 permits or facility permits ~~a medical marijuana treatment center~~
1649 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits
1650 any of the violations specified in paragraph (f).

1651 (h) The department shall refuse to renew the cultivation,
1652 processing, retail, or transportation license of an MMTC that
1653 has been issued such a license and has not begun to cultivate,

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1654 process, dispense, or transport marijuana, as applicable, by the
1655 date that the MMTC is required to renew such license.

1656 (i)~~(h)~~ The department may adopt rules pursuant to ss.
1657 120.536(1) and 120.54 to implement this subsection.

1658 (11) PREEMPTION.—Regulation of cultivation, processing, and
1659 delivery of marijuana by medical marijuana treatment centers
1660 (MMTCs) is preempted to the state except as provided in this
1661 subsection.

1662 (a) An MMTC ~~A medical marijuana treatment center~~
1663 cultivating or processing facility may not be located within 500
1664 feet of the real property that comprises a public or private
1665 elementary school, middle school, or secondary school.

1666 (b)1. A county or municipality may, by ordinance, ban MMTC
1667 ~~medical marijuana treatment center~~ dispensing facilities from
1668 being located within the boundaries of that county or
1669 municipality. A county or municipality that does not ban
1670 dispensing facilities under this subparagraph may not place
1671 specific limits, by ordinance, on the number of dispensing
1672 facilities that may locate within that county or municipality.

1673 2. A municipality may determine by ordinance the criteria
1674 for the location of, and other permitting requirements that do
1675 not conflict with state law or department rule for, MMTC ~~medical~~
1676 ~~marijuana treatment center~~ dispensing facilities located within
1677 the boundaries of that municipality. A county may determine by
1678 ordinance the criteria for the location of, and other permitting
1679 requirements that do not conflict with state law or department
1680 rule for, all such dispensing facilities located within the
1681 unincorporated areas of that county. Except as provided in
1682 paragraph (c), a county or municipality may not enact ordinances

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1683 for permitting or for determining the location of dispensing
1684 facilities which are more restrictive than its ordinances
1685 permitting or determining the locations for pharmacies licensed
1686 under chapter 465. A municipality or county may not charge an
1687 MMTC ~~a medical marijuana treatment center~~ a license or permit
1688 fee in an amount greater than the fee charged by such
1689 municipality or county to pharmacies. A dispensing facility
1690 location approved by a municipality or county pursuant to former
1691 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1692 location requirements of this subsection.

1693 (c) An MMTC ~~A medical marijuana treatment center~~ dispensing
1694 facility may not be located within 500 feet of the real property
1695 that comprises a public or private elementary school, middle
1696 school, or secondary school unless the county or municipality
1697 approves the location through a formal proceeding open to the
1698 public at which the county or municipality determines that the
1699 location promotes the public health, safety, and general welfare
1700 of the community.

1701 (d) This subsection does not prohibit any local
1702 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~
1703 ~~center~~ facilities comply with the Florida Building Code, the
1704 Florida Fire Prevention Code, or any local amendments to the
1705 Florida Building Code or the Florida Fire Prevention Code.

1706 (12) PENALTIES.—

1707 (a) A qualified physician commits a misdemeanor of the
1708 first degree, punishable as provided in s. 775.082 or s.
1709 775.083, if he or she ~~the qualified physician~~ issues a physician
1710 certification for the medical use of marijuana for a patient
1711 without a reasonable belief that the patient is suffering from a

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1712 qualifying medical condition.

1713 (b) A person who fraudulently represents that he or she has
1714 a qualifying medical condition to a qualified physician for the
1715 purpose of being issued a physician certification commits a
1716 misdemeanor of the first degree, punishable as provided in s.
1717 775.082 or s. 775.083.

1718 (c)1. A person ~~qualified patient~~ who uses marijuana, not
1719 including low-THC cannabis, or a caregiver who administers
1720 marijuana, not including low-THC cannabis, in plain view of or
1721 in a place open to the general public is subject to a civil fine
1722 not exceeding \$100.

1723 2. A person who uses marijuana, not including low-THC
1724 cannabis, in a school bus, a moving vehicle, or an aircraft, ~~or~~
1725 ~~a boat,~~ or on the grounds of a school except as provided in s.
1726 1006.062, commits a misdemeanor of the first degree, punishable
1727 as provided in s. 775.082 or s. 775.083.

1728 (d) A person ~~qualified patient or caregiver~~ who cultivates
1729 marijuana or who purchases ~~or acquires~~ marijuana from any person
1730 or entity other than a medical marijuana treatment center (MMTC)
1731 violates s. 893.13 and is subject to the penalties provided
1732 therein.

1733 ~~(c)1. A qualified patient or caregiver in possession of~~
1734 ~~marijuana or a marijuana delivery device who fails or refuses to~~
1735 ~~present his or her marijuana use registry identification card~~
1736 ~~upon the request of a law enforcement officer commits a~~
1737 ~~misdemeanor of the second degree, punishable as provided in s.~~
1738 ~~775.082 or s. 775.083, unless it can be determined through the~~
1739 ~~medical marijuana use registry that the person is authorized to~~
1740 ~~be in possession of that marijuana or marijuana delivery device.~~

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1741 ~~2. A person charged with a violation of this paragraph may~~
1742 ~~not be convicted if, before or at the time of his or her court~~
1743 ~~or hearing appearance, the person produces in court or to the~~
1744 ~~clerk of the court in which the charge is pending a medical~~
1745 ~~marijuana use registry identification card issued to him or her~~
1746 ~~which is valid at the time of his or her arrest. The clerk of~~
1747 ~~the court is authorized to dismiss such case at any time before~~
1748 ~~the defendant's appearance in court. The clerk of the court may~~
1749 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1750 (e)~~(f)~~ A caregiver who violates any of the applicable
1751 provisions of this section or applicable department rules, for
1752 the first offense, commits a misdemeanor of the second degree,
1753 punishable as provided in s. 775.082 or s. 775.083 and, for a
1754 second or subsequent offense, commits a misdemeanor of the first
1755 degree, punishable as provided in s. 775.082 or s. 775.083.

1756 (f)~~(g)~~ A qualified physician who issues a physician
1757 certification for marijuana or a marijuana delivery device and
1758 receives compensation from an MMTC ~~a medical marijuana treatment~~
1759 ~~center~~ related to the issuance of a physician certification for
1760 marijuana or a marijuana delivery device is subject to
1761 disciplinary action under the applicable practice act and s.
1762 456.072 (1) (n) .

1763 (g)~~(h)~~ A person transporting marijuana or marijuana
1764 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1765 ~~treatment center~~ or marijuana testing laboratory who fails or
1766 refuses to present a transportation manifest, whether in paper
1767 or electronic format, upon the request of a law enforcement
1768 officer commits a misdemeanor of the second degree, punishable
1769 as provided in s. 775.082 or s. 775.083.

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1770 (h)~~(i)~~ Persons and entities conducting activities
1771 authorized and governed by this section and s. 381.988 are
1772 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1773 (i)~~(j)~~ A person or entity that cultivates, processes,
1774 distributes, sells, or dispenses marijuana, as defined in s.
1775 29(b)(4), Art. X of the State Constitution, and is not licensed
1776 as an MMTC ~~a medical marijuana treatment center~~ violates s.
1777 893.13 and is subject to the penalties provided therein. This
1778 paragraph does not apply to a transfer of marijuana products or
1779 marijuana which is authorized by this section, s. 381.990, or s.
1780 893.13.

1781 (j)~~(k)~~ A person who manufactures, distributes, sells,
1782 gives, or possesses with the intent to manufacture, distribute,
1783 sell, or give marijuana or a marijuana delivery device that he
1784 or she holds out to have originated from a licensed MMTC ~~medical~~
1785 ~~marijuana treatment center~~ but that is counterfeit commits a
1786 felony of the third degree, punishable as provided in s.
1787 775.082, s. 775.083, or s. 775.084. For the purposes of this
1788 paragraph, the term "counterfeit" means marijuana; a marijuana
1789 delivery device; or a marijuana or marijuana delivery device
1790 container, seal, or label which, without authorization, bears
1791 the trademark, trade name, or other identifying mark, imprint,
1792 or device, or any likeness thereof, of a licensed MMTC ~~medical~~
1793 ~~marijuana treatment center~~ and which thereby falsely purports or
1794 is represented to be the product of, or to have been distributed
1795 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1796 (k)~~(l)~~ Any person who possesses or manufactures a blank,
1797 forged, stolen, fictitious, fraudulent, counterfeit, or
1798 otherwise unlawfully issued medical marijuana use registry

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1799 identification card commits a felony of the third degree,
1800 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1801 (14) EXCEPTIONS TO OTHER LAWS.—

1802 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1803 any other ~~provision of law~~, but subject to the requirements of
1804 this section, a qualified patient and the qualified patient's
1805 caregiver may purchase from a medical marijuana treatment center
1806 (MMTC) for the patient's medical use a marijuana delivery device
1807 and up to the amount of marijuana authorized in the physician
1808 certification, but may not possess more than a 70-day supply of
1809 marijuana, or the greater of 4 ounces of marijuana in a form for
1810 smoking or an amount of marijuana in a form for smoking approved
1811 by the department pursuant to paragraph (4)(f), at any given
1812 time and all marijuana purchased must remain in its original
1813 packaging.

1814 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1815 s. 893.147, or any other ~~provision of law~~, a qualified patient
1816 and the qualified patient's caregiver may purchase and possess a
1817 marijuana delivery device intended for the medical use of
1818 marijuana by smoking from a vendor other than an MMTC ~~a medical~~
1819 ~~marijuana treatment center~~.

1820 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1821 any other ~~provision of law~~, but subject to the requirements of
1822 this section, an approved MMTC ~~medical marijuana treatment~~
1823 ~~center~~ and its owners, managers, and employees may manufacture,
1824 possess, sell, deliver, distribute, dispense, and lawfully
1825 dispose of marijuana or a marijuana delivery device as provided
1826 in this section, s. 381.988, s. 381.990, and by department rule.
1827 For the purposes of this subsection, the terms "manufacture,"

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1828 "possession," "deliver," "distribute," and "dispense" have the
1829 same meanings as provided in s. 893.02.

1830 (e) A licensed MMTC ~~medical marijuana treatment center~~ and
1831 its owners, managers, and employees are not subject to licensure
1832 or regulation under chapter 465 or chapter 499 for
1833 manufacturing, possessing, selling, delivering, distributing,
1834 dispensing, or lawfully disposing of marijuana or a marijuana
1835 delivery device, as provided in this section, in s. 381.988, and
1836 by department rule.

1837 ~~(17) Rules adopted pursuant to this section before July 1,~~
1838 ~~2021, are not subject to ss. 120.54(3)(b) and 120.541. This~~
1839 ~~subsection expires July 1, 2021.~~

1840 Section 3. Section 381.990, Florida Statutes, is created to
1841 read:

1842 381.990 Adult use of marijuana.-

1843 (1) A person 21 years of age or older may purchase
1844 marijuana products containing up to 2,000 milligrams of
1845 tetrahydrocannabinol; up to 2.5 ounces of marijuana in a form
1846 for smoking; and one or more marijuana delivery devices, as
1847 defined in s. 381.986, provided that such marijuana products,
1848 marijuana in a form for smoking, and marijuana delivery devices
1849 are purchased from a medical marijuana treatment center (MMTC)
1850 that is licensed by the department pursuant to s. 381.986 for
1851 the retail sale of marijuana and is registered by the Department
1852 of Business and Professional Regulation for the sale of
1853 marijuana for adult use. A violation of this subsection is
1854 punishable as provided in s. 893.13.

1855 (2) A person who purchases marijuana products, marijuana in
1856 a form for smoking, or marijuana delivery devices in accordance

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1857 with subsection (1) may possess, use, transport, and transfer,
1858 without consideration, to a person 21 years of age or older such
1859 products or devices. However, a person may not possess at any
1860 given time marijuana products that contain, in total, more than
1861 2,000 milligrams of tetrahydrocannabinol or more than 4.0 ounces
1862 of marijuana in a form for smoking. A violation of this
1863 subsection is punishable as provided in s. 893.13.

1864 (3) This section does not limit the ability of a private
1865 property owner to restrict the smoking or vaping of marijuana on
1866 his or her private property; however, a landlord may not prevent
1867 his or her tenants from possessing or using marijuana by other
1868 means.

1869 (4) This section does not exempt a person from prosecution
1870 for a criminal offense related to impairment or intoxication
1871 resulting from the use of marijuana or relieve a person from any
1872 requirement under law to submit to a breath, blood, urine, or
1873 other test to detect the presence of a controlled substance.

1874 Section 4. Effective July 1, 2021, the Department of
1875 Agriculture and Consumer Services shall conduct a study on the
1876 potential harms and benefits of allowing the cultivation of
1877 marijuana by members of the public for private use, including
1878 the use of a cooperative model. The department shall report the
1879 results of the study to the Governor, the President of the
1880 Senate, and the Speaker of the House of Representatives by
1881 January 1, 2022.

1882 Section 5. Subsection (3) and paragraphs (a) and (b) of
1883 subsection (6) of section 893.13, Florida Statutes, are amended
1884 to read:

1885 893.13 Prohibited acts; penalties.—

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1886 (3) (a) A person 21 years of age or older may deliver,
1887 without consideration, to another person 21 years of age or
1888 older:

1889 1. Marijuana products that contain a total of 2,000
1890 milligrams or less of tetrahydrocannabinol; and

1891 2. A quantity of 2.5 ounces or less of cannabis, as defined
1892 in this chapter.

1893 (b) A person younger than 21 years of age who delivers,
1894 without consideration, to another person marijuana products that
1895 contain a total of 2,000 milligrams or less of
1896 tetrahydrocannabinol or a quantity of 2.5 ounces or less of
1897 cannabis, as defined in this chapter, commits a misdemeanor of
1898 the second degree, punishable as provided in s. 775.082 or s.
1899 775.083, for a first conviction of a violation of this paragraph
1900 and commits a misdemeanor of the first degree, punishable as
1901 provided in s. 775.082 or s. 775.083, for a second or subsequent
1902 conviction of a violation of this paragraph ~~who delivers,~~
1903 ~~without consideration, 20 grams or less of cannabis, as defined~~
1904 ~~in this chapter, commits a misdemeanor of the first degree,~~
1905 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1906 ~~this subsection, the term "cannabis" does not include the resin~~
1907 ~~extracted from the plants of the genus Cannabis or any compound~~
1908 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1909 ~~resin.~~

1910 (6) (a) Except as otherwise provided in this subsection, a
1911 person may not be in actual or constructive possession of a
1912 controlled substance unless such controlled substance was
1913 lawfully obtained from a practitioner or pursuant to a valid
1914 prescription or order of a practitioner while acting in the

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1915 course of his or her professional practice or to be in actual or
1916 constructive possession of a controlled substance except as
1917 otherwise authorized by this chapter. A person who violates this
1918 provision commits a felony of the third degree, punishable as
1919 provided in s. 775.082, s. 775.083, or s. 775.084.

1920 (b)1. A person 21 years of age or older may possess
1921 marijuana products that contain a total of 2,000 milligrams or
1922 less of tetrahydrocannabinol and may possess 4.0 ounces or less
1923 of cannabis, as defined in this chapter ~~If the offense is the~~
1924 ~~possession of 20 grams or less of cannabis, as defined in this~~
1925 ~~chapter, the person commits a misdemeanor of the first degree,~~
1926 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1927 ~~this subsection, the term "cannabis" does not include the resin~~
1928 ~~extracted from the plants of the genus Cannabis, or any compound~~
1929 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1930 ~~resin.~~

1931 2. A person under 21 years of age who possesses marijuana
1932 products that contain a total of 2,000 milligrams or less of
1933 tetrahydrocannabinol or who possesses 4.0 ounces or less of
1934 cannabis, as defined in this chapter, commits a misdemeanor of
1935 the second degree, punishable as provided in s. 775.082 or s.
1936 775.083, for a first conviction of a violation of this
1937 paragraph, and a misdemeanor of the first degree, punishable as
1938 provided in s. 775.082 or s. 775.083, for a second or subsequent
1939 conviction of a violation of this paragraph.

1940 Section 6. Section 893.1352, Florida Statutes, is created
1941 to read:

1942 893.1352 Retroactive application of s. 893.13.-

1943 (1) It is the intent of the Legislature to retroactively

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1944 apply amendments to s. 893.13 to certain persons who were
1945 convicted of possession of cannabis before January 1, 2022.

1946 (2) As used in this section, a reference to "former s.
1947 893.13, Florida Statutes 2021," is a reference to s. 893.13 as
1948 it existed at any time before January 1, 2022.

1949 (3) (a) A person who was convicted of a violation of former
1950 s. 893.13, Florida Statutes 2021, for possessing 4.0 ounces or
1951 less of cannabis as defined in chapter 893, but was not
1952 sentenced under that section before January 1, 2022, must be
1953 sentenced in accordance with s. 775.082, s. 775.083, or s.
1954 775.084 for the degree of offense as provided for in s. 893.13.

1955 (b) A person who was convicted of a violation of former s.
1956 893.13, Florida Statutes 2021, for possessing 4.0 ounces or less
1957 of cannabis as defined in chapter 893, who was sentenced before
1958 January 1, 2022, to a term of imprisonment or probation pursuant
1959 to former s. 893.13, Florida Statutes 2021, and who is serving
1960 the term of imprisonment or probation on or after January 1,
1961 2022, must have an opportunity for a sentence review hearing. If
1962 the person requests a sentence review hearing, he or she must be
1963 resentenced in accordance with paragraph (c).

1964 (c) Resentencing under this section must occur in the
1965 following manner:

1966 1. The Department of Corrections shall notify the person
1967 described in paragraph (b) of his or her eligibility to request
1968 a sentence review hearing.

1969 2. A person seeking sentence review under this section may
1970 submit an application to the court of original jurisdiction
1971 requesting that a sentence review hearing be held. The
1972 sentencing court retains original jurisdiction for the duration

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1973 of the sentence for the purpose of this review.

1974 3. A person who is eligible for a sentence review hearing
1975 under this section is entitled to representation by legal
1976 counsel. If the person is indigent and unable to employ counsel,
1977 the court shall appoint counsel under s. 27.52. Determination of
1978 indigence and costs of representation is as provided in ss.
1979 27.52 and 938.29.

1980 4. Upon receipt of a request for a sentence review hearing,
1981 the court of original jurisdiction shall hold such a hearing to
1982 determine if the person meets the criteria for resentencing
1983 under this section. If the court determines by a preponderance
1984 of the evidence that the person is currently serving a sentence
1985 for a violation of former s. 893.13, Florida Statutes 2021, and
1986 that the violation was for possession of cannabis in the amount
1987 of 4.0 ounces or less, the court shall resentence the person in
1988 accordance with this section. If the court determines that the
1989 person does not meet the criteria for resentencing under this
1990 section, the court must provide written findings as to why the
1991 person does not meet the criteria.

1992 5. If the court finds that the underlying facts of the
1993 person's conviction that is subject to resentencing are
1994 classified as a crime under s. 893.13, the person must be
1995 resentenced to a term that would not exceed the maximum sentence
1996 provided by that section. The person is entitled to receive
1997 credit for his or her time served.

1998 6. If the court finds that the underlying facts of the
1999 person's conviction that is subject to resentencing are not
2000 classified as a crime under s. 893.13, the person must be
2001 resentenced to time served and released from supervision as soon

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2002 as reasonably possible.

2003 (4) Notwithstanding any other law, a person who has been
2004 convicted of a crime under former s. 893.13, Florida Statutes
2005 2021, and whose offense would not be classified as a crime under
2006 s. 893.13, must have all fines, fees, and costs related to such
2007 conviction waived.

2008 Section 7. Present subsections (5), (6), and (7) of section
2009 893.147, Florida Statutes, are redesignated as subsections (6),
2010 (7), and (8), respectively, a new subsection (5) is added to
2011 that section, and subsections (1), (2), and (4) of that section
2012 are amended, to read:

2013 893.147 Use, possession, manufacture, delivery,
2014 transportation, advertisement, or retail sale of drug
2015 paraphernalia, specified machines, and materials.—

2016 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2017 provided in subsection (5), it is unlawful for any person to
2018 use, or to possess with intent to use, drug paraphernalia:

2019 (a) To plant, propagate, cultivate, grow, harvest,
2020 manufacture, compound, convert, produce, process, prepare, test,
2021 analyze, pack, repack, store, contain, or conceal a controlled
2022 substance in violation of this chapter; or

2023 (b) To inject, ingest, inhale, or otherwise introduce into
2024 the human body a controlled substance in violation of this
2025 chapter.

2026
2027 Any person who violates this subsection is guilty of a
2028 misdemeanor of the first degree, punishable as provided in s.
2029 775.082 or s. 775.083.

2030 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except

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2031 as provided in subsection (5), it is unlawful for any person to
2032 deliver, possess with intent to deliver, or manufacture with
2033 intent to deliver drug paraphernalia, knowing, or under
2034 circumstances where one reasonably should know, that it will be
2035 used:

2036 (a) To plant, propagate, cultivate, grow, harvest,
2037 manufacture, compound, convert, produce, process, prepare, test,
2038 analyze, pack, repack, store, contain, or conceal a controlled
2039 substance in violation of this act; or

2040 (b) To inject, ingest, inhale, or otherwise introduce into
2041 the human body a controlled substance in violation of this act.

2042

2043 Any person who violates this subsection is guilty of a felony of
2044 the third degree, punishable as provided in s. 775.082, s.
2045 775.083, or s. 775.084.

2046 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as
2047 provided in subsection (5), it is unlawful to use, possess with
2048 the intent to use, or manufacture with the intent to use drug
2049 paraphernalia, knowing or under circumstances in which one
2050 reasonably should know that it will be used to transport:

2051 (a) A controlled substance in violation of this chapter; or

2052 (b) Contraband as defined in s. 932.701(2)(a)1.

2053

2054 Any person who violates this subsection commits a felony of the
2055 third degree, punishable as provided in s. 775.082, s. 775.083,
2056 or s. 775.084.

2057 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

2058 (a) A person 21 years of age or older may possess, use,
2059 transport, or deliver, without consideration, to a person 21

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2060 years of age or older a marijuana delivery device, as defined in
2061 s. 381.986.

2062 (b) A person younger than 21 years of age who possesses,
2063 uses, transports, or delivers, without consideration, to a
2064 person 21 years of age or older a marijuana delivery device, as
2065 defined in s. 381.986, commits a misdemeanor of the second
2066 degree, punishable as provided in s. 775.082 or s. 775.083 for a
2067 first conviction of a violation of this paragraph, and a
2068 misdemeanor of the first degree, punishable as provided in s.
2069 775.082 or s. 775.083, for a second or subsequent conviction of
2070 a violation of this paragraph.

2071 Section 8. Section 943.0586, Florida Statutes, is created
2072 to read:

2073 943.0586 Cannabis expunction.—

2074 (1) DEFINITIONS.—As used in this section, the term:

2075 (a) "Cannabis" has the same meaning as provided in chapter
2076 893.

2077 (b) "Expunction" has the same meaning and effect as
2078 provided in s. 943.0585.

2079 (c) "Former s. 893.13, Florida Statutes 2021," is a
2080 reference to s. 893.13 as it existed at any time before January
2081 1, 2022.

2082 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
2083 eligible to petition a court to expunge a criminal history
2084 record for the conviction of former s. 893.13, Florida Statutes
2085 2021, if:

2086 (a) The person received a withholding of adjudication or
2087 adjudication of guilt for a violation of former 893.13, Florida
2088 Statutes 2021, for the possession of cannabis;

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2089 (b) The person possessed 4.0 ounces or less of cannabis;
2090 and

2091 (c) The person is no longer under court supervision related
2092 to the disposition of arrest or alleged criminal activity to
2093 which the petition to expunge pertains.

2094 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2095 to expunge a criminal history record under this section, a
2096 person seeking to expunge a criminal history record must apply
2097 to the department for a certificate of eligibility for
2098 expunction. The department shall adopt rules to establish
2099 procedures for applying for and issuing a certificate of
2100 eligibility for expunction.

2101 (a) The department shall issue a certificate of eligibility
2102 for expunction to a person who is the subject of a criminal
2103 history record under this section, if that person:

2104 1. Satisfies the eligibility criteria in subsection (2);
2105 2. Has submitted to the department a written certified
2106 statement from the appropriate state attorney or statewide
2107 prosecutor which confirms the criminal history record complies
2108 with the criteria in subsection (2); and

2109 3. Has submitted to the department a certified copy of the
2110 disposition of the charge to which the petition to expunge
2111 pertains.

2112 (b) A certificate of eligibility for expunction is valid
2113 for 12 months after the date of issuance stamped by the
2114 department on the certificate. After that time, the petitioner
2115 must reapply to the department for a new certificate of
2116 eligibility. The petitioner's status and the law in effect at
2117 the time of the renewal application determine the petitioner's

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2118 eligibility.

2119 (4) PETITION.—Each petition to expunge a criminal history
2120 record must be accompanied by:

2121 (a) A valid certificate of eligibility issued by the
2122 department.

2123 (b) The petitioner's sworn statement that he or she:

2124 1. Satisfies the eligibility requirements for expunction in
2125 subsection (2); and

2126 2. Is eligible for expunction to the best of his or her
2127 knowledge.

2128 (5) PENALTIES.—A person who knowingly provides false
2129 information on his or her sworn statement submitted with a
2130 petition to expunge commits a felony of the third degree,
2131 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2132 (6) COURT AUTHORITY.—

2133 (a) The courts of this state have jurisdiction over their
2134 own procedures, including the maintenance, expunction, and
2135 correction of judicial records containing criminal history
2136 information to the extent that such procedures are not
2137 inconsistent with the conditions, responsibilities, and duties
2138 established by this section.

2139 (b) A court of competent jurisdiction shall order a
2140 criminal justice agency to expunge the criminal history record
2141 of a person who complies with this section. The court may not
2142 order a criminal justice agency to expunge a criminal history
2143 record under this section until the person seeking to expunge a
2144 criminal history record has applied for and received a
2145 certificate of eligibility under subsection (3).

2146 (c) Expunction granted under this section does not prevent

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2147 the person who receives such relief from petitioning for the
2148 expunction or sealing of a later criminal history record as
2149 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2150 person is otherwise eligible under those sections.

2151 (7) PROCESSING OF A PETITION OR AN ORDER.—

2152 (a) In judicial proceedings under this section, a copy of
2153 the completed petition to expunge must be served upon the
2154 appropriate state attorney or the statewide prosecutor and upon
2155 the arresting agency; however, it is not necessary to make any
2156 agency other than the state a party. The appropriate state
2157 attorney or the statewide prosecutor and the arresting agency
2158 may respond to the court regarding the completed petition to
2159 expunge.

2160 (b) If relief is granted by the court, the clerk of the
2161 court shall certify copies of the order to the appropriate state
2162 attorney or the statewide prosecutor and the arresting agency.
2163 The arresting agency shall forward the order to any other agency
2164 to which the arresting agency disseminated the criminal history
2165 record information to which the order pertains. The department
2166 shall forward the order to expunge to the Federal Bureau of
2167 Investigation. The clerk of the court shall certify a copy of
2168 the order to any other agency that the records of the court
2169 reflect has received the criminal history record from the court.

2170 (c) The department or any other criminal justice agency is
2171 not required to act on an order to expunge entered by a court if
2172 such order does not meet the requirements of this section. Upon
2173 receipt of such an order, the department shall notify the
2174 issuing court, the appropriate state attorney or statewide
2175 prosecutor, the petitioner or the petitioner's attorney, and the

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2176 arresting agency of the reason for noncompliance. The
2177 appropriate state attorney or statewide prosecutor shall take
2178 action within 60 days to correct the record and petition the
2179 court to void the order. No cause of action, including contempt
2180 of court, may arise against any criminal justice agency for
2181 failure to comply with an order to expunge if the petitioner for
2182 such order failed to obtain the certificate of eligibility as
2183 required by this section or such order does not otherwise meet
2184 the requirements of this section.

2185 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2186 (a) The person who is the subject of a criminal history
2187 record that is expunged under this section may lawfully deny or
2188 fail to acknowledge the arrests and convictions covered by the
2189 expunged record, except if the person who is the subject of the
2190 record:

- 2191 1. Is a candidate for employment with a criminal justice
2192 agency;
- 2193 2. Is a defendant in a criminal prosecution;
- 2194 3. Concurrently or subsequently petitions for relief under
2195 this section, s. 943.0583, s. 943.0585, or s. 943.059;
- 2196 4. Is a candidate for admission to The Florida Bar;
- 2197 5. Is seeking to be employed or licensed by or to contract
2198 with the Department of Children and Families, the Division of
2199 Vocational Rehabilitation within the Department of Education,
2200 the Agency for Health Care Administration, the Agency for
2201 Persons with Disabilities, the Department of Health, the
2202 Department of Elderly Affairs, or the Department of Juvenile
2203 Justice or to be employed or used by such contractor or licensee
2204 in a sensitive position having direct contact with children,

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2205 persons with disabilities, or the elderly;

2206 6. Is seeking to be employed or licensed by the Department
2207 of Education, any district school board, any university
2208 laboratory school, any charter school, any private or parochial
2209 school, or any local governmental entity that licenses child
2210 care facilities;

2211 7. Is seeking to be licensed by the Division of Insurance
2212 Agent and Agency Services within the Department of Financial
2213 Services; or

2214 8. Is seeking to be appointed as a guardian pursuant to s.
2215 744.3125.

2216 (b) A person who has been granted an expunction under this
2217 section and who is authorized under paragraph (a) to lawfully
2218 deny or fail to acknowledge the arrests and convictions covered
2219 by an expunged record may not be held under any law of this
2220 state to have committed perjury or to be otherwise liable for
2221 giving a false statement by reason of his or her failure to
2222 recite or acknowledge an expunged criminal history record.

2223 Section 9. Section 893.15, Florida Statutes, is amended to
2224 read:

2225 893.15 Rehabilitation.—Any person who violates s.
2226 893.13(6) (a) ~~or (b)~~ relating to possession may, in the
2227 discretion of the trial judge, be required to participate in a
2228 substance abuse services program approved or regulated by the
2229 Department of Children and Families pursuant to the provisions
2230 of chapter 397, provided the director of such program approves
2231 the placement of the defendant in such program. Such required
2232 participation shall be imposed in addition to any penalty or
2233 probation otherwise prescribed by law. However, the total time

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2234 of such penalty, probation, and program participation shall not
2235 exceed the maximum length of sentence possible for the offense.

2236 Section 10. Except as otherwise expressly provided in this
2237 act and except for this section, which shall take effect upon
2238 becoming a law, this act shall take effect January 1, 2022.