

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 relating 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 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 contractors to obtain  
27 | facility permits and register principals and  
28 | employees; providing for the destruction of certain  
29 | marijuana byproducts within a specified timeframe  
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;  
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 the state,  
87 and to adults 21 years of age or older within the  
88 state; prohibiting a county or municipality from  
89 preventing 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; providing  
100 that an MMTC is responsible for the actions and

101 operations of the contractor relating to the  
102 transportation of marijuana; requiring an MMTC to know  
103 the location of all of its marijuana products at all  
104 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  
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 specifying 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  
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 relating 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  
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; specifying 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 construction;  
188 requiring the Department of Agriculture and Consumer  
189 Services to conduct a study on the harms and benefits  
190 of allowing the cultivation of marijuana by members of  
191 the public for private use, including use of a  
192 specified model; requiring the department to report  
193 the results of the study to the Governor and the  
194 Legislature by a specified date; amending s. 893.13,  
195 F.S.; authorizing a person 21 years of age or older to  
196 possess marijuana products in a specified amount and  
197 to deliver marijuana products to another person 21  
198 years of age or older under certain circumstances;  
199 providing criminal penalties for the delivery or  
200 possession of marijuana products by a person younger



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

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

248  
249 Be It Enacted by the Legislature of the State of Florida:

250

251 Section 1. Paragraph (1) of subsection (2) of section  
 252 212.08, Florida Statutes, is amended to read:

253 212.08 Sales, rental, use, consumption, distribution, and  
 254 storage tax; specified exemptions.—The sale at retail, the  
 255 rental, the use, the consumption, the distribution, and the  
 256 storage to be used or consumed in this state of the following  
 257 are hereby specifically exempt from the tax imposed by this  
 258 chapter.

259 (2) EXEMPTIONS; MEDICAL.—

260 (1) Marijuana and marijuana delivery devices, as defined  
 261 in s. 381.986, are exempt from the taxes imposed under this  
 262 chapter when the devices are purchased by a qualified patient or  
 263 a caregiver, as those terms are defined in s. 381.986(1).

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

271 381.986 Medical use of marijuana.—

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

273 (d) "Edibles" means commercially produced food items made  
 274 with marijuana oil, but no other form of marijuana, which ~~that~~  
 275 are produced and dispensed by a medical marijuana treatment

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276 center (MMTC).

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

285 (f) "Marijuana" means all parts of any plant of the genus  
286 *Cannabis*, whether growing or not; the seeds thereof; the resin  
287 extracted from any part of the plant; and every compound,  
288 manufacture, salt, derivative, mixture, or preparation of the  
289 plant or its seeds or resin, including low-THC cannabis, which  
290 is ~~are~~ dispensed from an MMTC ~~a medical marijuana treatment~~  
291 ~~center~~ for medical use by a qualified patient.

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

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301 devices.

302 (h) "Marijuana testing laboratory" means a facility  
303 certified by the department pursuant to s. 381.988 ~~which that~~  
304 collects and analyzes marijuana samples from an MMTC ~~a medical~~  
305 ~~marijuana treatment center and has been certified by the~~  
306 ~~department pursuant to s. 381.988.~~

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

310 1. Possession, use, or administration of marijuana that  
311 was not purchased or acquired from an MMTC ~~a medical marijuana~~  
312 ~~treatment center.~~

313 2. Possession, use, or administration of marijuana in the  
314 form of commercially produced food items other than edibles or  
315 of marijuana seeds.

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

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

322 5. Use or administration of marijuana in the following  
323 locations:

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

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

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

330           d. In a state correctional institution, as defined in s.  
331 944.02, or a correctional institution, as defined in s. 944.241.

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

334           f. On ~~In~~ a school bus, a vehicle, an aircraft, or a  
335 motorboat, except for low-THC cannabis not in a form for  
336 smoking.

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

339           (k) "Physician certification" means a qualified  
340 physician's authorization for a qualified patient to receive  
341 marijuana and a marijuana delivery device from an MMTC ~~a medical~~  
342 ~~marijuana treatment center~~.

343           (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

344           (b) A qualified physician may not be employed by, or have  
345 any direct or indirect economic interest in, an MMTC ~~a medical~~  
346 ~~marijuana treatment center~~ or marijuana testing laboratory.

347           (4) PHYSICIAN CERTIFICATION.—

348           (f) A qualified physician may not issue a physician  
349 certification for more than three 70-day supply limits of  
350 marijuana or more than six 35-day supply limits of marijuana in

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351 a form for smoking. The department shall quantify by rule a  
352 daily dose amount with equivalent dose amounts for each  
353 allowable form of marijuana dispensed by an MMTC ~~a medical~~  
354 ~~marijuana treatment center~~. The department shall use the daily  
355 dose amount to calculate a 70-day supply.

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

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

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

366 c. A description of how the patient will benefit from an  
367 increased amount.

368 d. The minimum daily dose amount of marijuana that would  
369 be sufficient for the treatment of the qualified patient's  
370 qualifying medical condition.

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

373 3. The department shall approve or disapprove the request  
374 within 14 days after receipt of the complete documentation  
375 required by this paragraph. The request shall be deemed approved

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376 if the department fails to act within this time period.

377 (5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

397 (6) CAREGIVERS.—

398 (b) A caregiver must:

399 1. Not be a qualified physician and not be employed by or  
400 have an economic interest in an MMTC ~~a medical marijuana~~



401 ~~treatment center~~ or a marijuana testing laboratory.

402 2. Be 21 years of age or older and a resident of this  
403 state.

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

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

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

413 6. Pass a level 2 background screening pursuant to chapter  
414 435 subsection (9), unless the patient is a close relative of  
415 the caregiver. In addition to the disqualifying offenses  
416 specified in s. 435.04(2) and (3), a person may not serve as a  
417 caregiver if he or she has an arrest awaiting final disposition  
418 for; has been found guilty of, regardless of adjudication; or  
419 has entered a plea of nolo contendere or guilty to an offense  
420 under chapter 837, chapter 895, or chapter 896 or a similar law  
421 of another jurisdiction.

422 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

423 ~~(a) The department shall license medical marijuana~~  
424 ~~treatment centers to ensure reasonable statewide accessibility~~  
425 ~~and availability as necessary for qualified patients registered~~

426 ~~in the medical marijuana use registry and who are issued a~~  
427 ~~physician certification under this section.~~

428 ~~1. As soon as practicable, but no later than July 3, 2017,~~  
429 ~~the department shall license as a medical marijuana treatment~~  
430 ~~center any entity that holds an active, unrestricted license to~~  
431 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
432 ~~medical cannabis, and cannabis delivery devices, under former s.~~  
433 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~  
434 ~~meets the requirements of this section. In addition to the~~  
435 ~~authority granted under this section, these entities are~~  
436 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~  
437 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~  
438 ~~Florida Statutes 2016, which were entered into the compassionate~~  
439 ~~use registry before July 1, 2017, and are authorized to begin~~  
440 ~~dispensing marijuana under this section on July 3, 2017. The~~  
441 ~~department may grant variances from the representations made in~~  
442 ~~such an entity's original application for approval under former~~  
443 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).~~

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

447 ~~a. As soon as practicable, but no later than August 1,~~  
448 ~~2017, the department shall license any applicant whose~~  
449 ~~application was reviewed, evaluated, and scored by the~~  
450 ~~department and which was denied a dispensing organization~~

451 ~~license by the department under former s. 381.986, Florida~~  
452 ~~Statutes 2014; which had one or more administrative or judicial~~  
453 ~~challenges pending as of January 1, 2017, or had a final ranking~~  
454 ~~within one point of the highest final ranking in its region~~  
455 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~  
456 ~~requirements of this section; and which provides documentation~~  
457 ~~to the department that it has the existing infrastructure and~~  
458 ~~technical and technological ability to begin cultivating~~  
459 ~~marijuana within 30 days after registration as a medical~~  
460 ~~marijuana treatment center.~~

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

467 ~~e. As soon as practicable, but no later than October 3,~~  
468 ~~2017, the department shall license applicants that meet the~~  
469 ~~requirements of this section in sufficient numbers to result in~~  
470 ~~10 total licenses issued under this subparagraph, while~~  
471 ~~accounting for the number of licenses issued under sub-~~  
472 ~~subparagraphs a. and b.~~

473 ~~3. For up to two of the licenses issued under subparagraph~~  
474 ~~2., the department shall give preference to applicants that~~  
475 ~~demonstrate in their applications that they own one or more~~

476 ~~facilities that are, or were, used for the canning,~~  
477 ~~concentrating, or otherwise processing of citrus fruit or citrus~~  
478 ~~molasses and will use or convert the facility or facilities for~~  
479 ~~the processing of marijuana.~~

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

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

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

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

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

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

526 ~~cannabis.~~

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

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

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

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

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

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

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

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

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

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

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

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

573 ~~e. A record of contracts for services with minority~~  
574 ~~business enterprises and veteran business enterprises.~~

575 ~~(c) A medical marijuana treatment center may not make a~~

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576 ~~wholesale purchase of marijuana from, or a distribution of~~  
577 ~~marijuana to, another medical marijuana treatment center, unless~~  
578 ~~the medical marijuana treatment center seeking to make a~~  
579 ~~wholesale purchase of marijuana submits proof of harvest failure~~  
580 ~~to the department.~~

581 (a)-(d) Department responsibilities.—The department shall  
582 do all of the following:

583 1. Adopt by rule all of the following:

584 a. Operating standards for the cultivation, processing,  
585 packaging, and labeling of marijuana.

586 b. Standards for the sale of marijuana.

587 c. Procedures and requirements for all of the following:

588 (I) The registration and registration renewal of medical  
589 marijuana treatment centers (MMTCs).

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

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

594 (IV) The registration of all principals, employees, and  
595 contractors of an MMTC who will participate in the operations of  
596 the MMTC.

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

599 2. Establish, maintain, and control a computer software  
600 tracking system that traces marijuana from seed to sale and



601 allows real-time, 24-hour access by the department to data from  
602 all MMTCs ~~medical marijuana treatment centers~~ and marijuana  
603 testing laboratories. The tracking system must allow for  
604 integration of other seed-to-sale systems and, at a minimum,  
605 include notification of when marijuana seeds are planted, when  
606 marijuana plants are harvested and destroyed, and when marijuana  
607 is transported, sold, stolen, diverted, or lost. Each MMTC must  
608 ~~medical marijuana treatment center shall~~ use the seed-to-sale  
609 tracking system established by the department or integrate its  
610 own seed-to-sale tracking system with the seed-to-sale tracking  
611 system established by the department. Each MMTC ~~medical~~  
612 ~~marijuana treatment center~~ may use its own seed-to-sale system  
613 until the department establishes a seed-to-sale tracking system.  
614 The department may contract with a vendor to establish the seed-  
615 to-sale tracking system. The vendor selected by the department  
616 may not have a contractual relationship with the department to  
617 perform any services pursuant to this section other than the  
618 seed-to-sale tracking system. The vendor may not have a direct  
619 or indirect financial interest in an MMTC ~~a medical marijuana~~  
620 ~~treatment center~~ or a marijuana testing laboratory.

621 (b) Registration.—

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

624 a. The applicant's full legal name.

625 b. The physical address of each location where the

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626 applicant will apply for a facility permit to cultivate,  
627 process, dispense, or store marijuana.

628 c. The name, address, and date of birth of the applicant's  
629 principals.

630 d. The name, address, and date of birth of the applicant's  
631 current employees and contractors who will participate in the  
632 operations of the MMTC.

633 e. The operation or operations in which the applicant  
634 intends to engage, which may include one or more of the  
635 following:

636 (I) Cultivation.

637 (II) Processing.

638 (III) Retail sales.

639 (IV) Transportation.

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

642 a. The applicant's completed registration form.

643 b. Personnel registration forms, as described in  
644 subsection (9), for all principals, employees, and contractors  
645 listed on the applicant's registration form who will participate  
646 in the operations of the MMTC. The department may not register  
647 the applicant as an MMTC until all principals, employees, and  
648 contractors listed on the applicant's registration form have  
649 registered with the department and are issued MMTC employee  
650 identification cards.

651 c. Proof that all principals listed on the applicant's  
652 registration form who will not participate in the operations of  
653 the MMTC have passed a level 2 background screening pursuant to  
654 chapter 435 within the previous year.

655 d. Proof that the MMTC has the capability to comply with  
656 seed-to-sale tracking system requirements.

657 e. Proof of the applicant's financial ability to maintain  
658 operations for the duration of the registration.

659 f. A \$500,000 performance and compliance bond, or a \$1  
660 million performance and compliance bond if the MMTC intends to  
661 cultivate or process marijuana, which will be forfeited if the  
662 MMTC fails to comply with:

663 (I) Registration requirements in this subsection during  
664 the registration period; or

665 (II) Material requirements of this section which are  
666 applicable to the functions the applicant intends to perform, as  
667 indicated on the registration form.

668 3. A registration expires 2 years after the date it is  
669 issued.

670 4. In addition to obtaining registration pursuant to this  
671 paragraph, an MMTC must obtain an operating license for each  
672 operation it will perform as provided in paragraph (c),  
673 paragraph (d), or paragraph (f), as applicable.

674 (c) Cultivation licenses and processing licenses.—

675 1. A registered MMTC may apply for a cultivation license

676 or a processing license. When applying, the MMTC shall provide  
677 the department with, at a minimum, all of the following:

678 a. A completed cultivation license or processing license  
679 application form.

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

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

683 (I) Proof of an established infrastructure, or the ability  
684 to establish an infrastructure in a reasonable amount of time,  
685 which is designed for cultivation, processing, testing,  
686 packaging, and labeling marijuana; maintaining the  
687 infrastructure's security; and preventing the theft or diversion  
688 of any marijuana.

689 (II) Proof that the applicant has the technical and  
690 technological ability to cultivate and test or process and test  
691 marijuana.

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

696 2. Cultivation licenses and processing licenses expire 2  
697 years after the date they are issued. To renew a license, the  
698 licensee must meet all of the requirements for initial  
699 licensure; must provide all of the documentation required under  
700 subparagraph 1.; and must not have any uncorrected substantial

701 violations of the standards adopted by department rule for the  
702 cultivation, processing, testing, packaging, and labeling of  
703 marijuana.

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

707 4. A licensee under this subsection may use contractors to  
708 assist with the cultivation or processing of marijuana, as  
709 applicable, but the licensee is ultimately responsible for all  
710 of the operations performed by each contractor relating to the  
711 cultivation or processing of marijuana and is responsible for  
712 maintaining physical possession of the marijuana at all times.  
713 All work done by a contractor must be performed at a location  
714 that has a facility permit issued by the department. A licensee  
715 using a contractor must register any principal or employee of a  
716 contractor who will be participating in the operations of the  
717 licensee as provided in subsection (9). The principal or  
718 employee may not begin participating in the operations of the  
719 licensee until he or she has received an MMTTC employee  
720 identification card from the department.

721 5. All marijuana byproducts that cannot be processed or  
722 reprocessed must be destroyed by the cultivation licensee or the  
723 processing licensee or their respective contractors within 30  
724 days after the production of the byproducts.

725 6. A licensee under this subsection may sell marijuana at

726 wholesale only to other registered MMTCs. Before such a sale of  
727 marijuana, the wholesaling MMTC shall provide the purchasing  
728 MMTC with documentation showing that the marijuana meets the  
729 testing, packaging, and labeling requirements of this section.  
730 The purchasing MMTC shall review such documentation to determine  
731 that the marijuana is in compliance with this section before  
732 taking possession of the marijuana.

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

737 ~~(e) A licensed medical marijuana treatment center shall~~  
738 ~~cultivate, process, transport, and dispense marijuana for~~  
739 ~~medical use. A licensed medical marijuana treatment center may~~  
740 ~~not contract for services directly related to the cultivation,~~  
741 ~~processing, and dispensing of marijuana or marijuana delivery~~  
742 ~~devices, except that a medical marijuana treatment center~~  
743 ~~licensed pursuant to subparagraph (a)1. may contract with a~~  
744 ~~single entity for the cultivation, processing, transporting, and~~  
745 ~~dispensing of marijuana and marijuana delivery devices. A~~  
746 ~~licensed medical marijuana treatment center must, at all times,~~  
747 ~~maintain compliance with the criteria demonstrated and~~  
748 ~~representations made in the initial application and the criteria~~  
749 ~~established in this subsection. Upon request, the department may~~  
750 ~~grant a medical marijuana treatment center a variance from the~~

751 ~~representations made in the initial application. Consideration~~  
752 ~~of such a request shall be based upon the individual facts and~~  
753 ~~circumstances surrounding the request. A variance may not be~~  
754 ~~granted unless the requesting medical marijuana treatment center~~  
755 ~~can demonstrate to the department that it has a proposed~~  
756 ~~alternative to the specific representation made in its~~  
757 ~~application which fulfills the same or a similar purpose as the~~  
758 ~~specific representation in a way that the department can~~  
759 ~~reasonably determine will not be a lower standard than the~~  
760 ~~specific representation in the application. A variance may not~~  
761 ~~be granted from the requirements in subparagraph 2. and~~  
762 ~~subparagraphs (b)1. and 2.~~

763 ~~1. A licensed medical marijuana treatment center may~~  
764 ~~transfer ownership to an individual or entity who meets the~~  
765 ~~requirements of this section. A publicly traded corporation or~~  
766 ~~publicly traded company that meets the requirements of this~~  
767 ~~section is not precluded from ownership of a medical marijuana~~  
768 ~~treatment center. To accommodate a change in ownership:~~

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

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

776 ~~e. Upon receipt of an application for a license, the~~  
777 ~~department shall examine the application and, within 30 days~~  
778 ~~after receipt, notify the applicant in writing of any apparent~~  
779 ~~errors or omissions and request any additional information~~  
780 ~~required.~~

781 ~~d. Requested information omitted from an application for~~  
782 ~~licensure must be filed with the department within 21 days after~~  
783 ~~the department's request for omitted information or the~~  
784 ~~application shall be deemed incomplete and shall be withdrawn~~  
785 ~~from further consideration and the fees shall be forfeited.~~

786  
787 ~~Within 30 days after the receipt of a complete application, the~~  
788 ~~department shall approve or deny the application.~~

789 ~~2. A medical marijuana treatment center, and any~~  
790 ~~individual or entity who directly or indirectly owns, controls,~~  
791 ~~or holds with power to vote 5 percent or more of the voting~~  
792 ~~shares of a medical marijuana treatment center, may not acquire~~  
793 ~~direct or indirect ownership or control of any voting shares or~~  
794 ~~other form of ownership of any other medical marijuana treatment~~  
795 ~~center.~~

796 ~~3. A medical marijuana treatment center may not enter into~~  
797 ~~any form of profit-sharing arrangement with the property owner~~  
798 ~~or lessor of any of its facilities where cultivation,~~  
799 ~~processing, storing, or dispensing of marijuana and marijuana~~  
800 ~~delivery devices occurs.~~



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

804           5. ~~Each medical marijuana treatment center must adopt and~~  
 805 ~~enforce policies and procedures to ensure employees and~~  
 806 ~~volunteers receive training on the legal requirements to~~  
 807 ~~dispense marijuana to qualified patients.~~

808           8.6. ~~When growing marijuana, an MMTC licensed for~~  
 809 ~~cultivation a medical marijuana treatment center:~~

810           a. May use pesticides determined by the department, after  
 811 consultation with the Department of Agriculture and Consumer  
 812 Services, to be safely applied to plants intended for human  
 813 consumption, but may not use pesticides designated as  
 814 restricted-use pesticides pursuant to s. 487.042.

815           b. Shall ~~Must~~ grow marijuana within an enclosed permitted  
 816 cultivation facility ~~structure~~ and in a room separate from any  
 817 other plant.

818           c. Shall ~~Must~~ inspect seeds and growing plants for plant  
 819 pests that endanger or threaten the horticultural and  
 820 agricultural interests of the state in accordance with chapter  
 821 581 and any rules adopted thereunder.

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

825           7. ~~Each medical marijuana treatment center must produce~~

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826 ~~and make available for purchase at least one low-THC cannabis~~  
827 ~~product.~~

828 ~~9.8. An MMTC A medical marijuana treatment center~~ that  
829 produces edibles must hold a permit to operate as a food  
830 establishment pursuant to chapter 500, the Florida Food Safety  
831 Act, and must comply with all the requirements for food  
832 establishments pursuant to chapter 500 and any rules adopted  
833 thereunder. ~~Edibles may not contain more than 200 milligrams of~~  
834 ~~tetrahydrocannabinol, and a single serving portion of an edible~~  
835 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles  
836 may have a tetrahydrocannabinol potency variance of no greater  
837 than 15 percent. Edibles may not be attractive to children; be  
838 manufactured in the shape of humans, cartoons, or animals; be  
839 manufactured in a form that bears any reasonable resemblance to  
840 products available for consumption as commercially available  
841 candy; or contain any color additives. To discourage consumption  
842 of edibles by children, the department shall determine by rule  
843 any shapes, forms, and ingredients allowed and prohibited for  
844 edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin  
845 processing or dispensing edibles until after the effective date  
846 of the rule. The department shall also adopt sanitation rules  
847 providing the standards and requirements for the storage,  
848 display, or dispensing of edibles.

849 ~~9. Within 12 months after licensure, a medical marijuana~~  
850 ~~treatment center must demonstrate to the department that all of~~

851 ~~its processing facilities have passed a Food Safety Good~~  
852 ~~Manufacturing Practices, such as Global Food Safety Initiative~~  
853 ~~or equivalent, inspection by a nationally accredited certifying~~  
854 ~~body. A medical marijuana treatment center must immediately stop~~  
855 ~~processing at any facility which fails to pass this inspection~~  
856 ~~until it demonstrates to the department that such facility has~~  
857 ~~met this requirement.~~

858 ~~10. A medical marijuana treatment center that produces~~  
859 ~~prerolled marijuana cigarettes may not use wrapping paper made~~  
860 ~~with tobacco or hemp.~~

861 10.11. When processing marijuana, an MMTC licensed for  
862 processing shall ~~a medical marijuana treatment center must:~~

863 a. Process the marijuana within an enclosed permitted  
864 processing facility ~~structure~~ and in a room separate from other  
865 plants or products.

866 b. Comply with department rules when processing marijuana  
867 with hydrocarbon solvents or other solvents or gases exhibiting  
868 potential toxicity to humans. The department shall determine by  
869 rule the requirements for the ~~medical marijuana treatment~~  
870 ~~centers to use~~ of such solvents or gases by MMTCs ~~exhibiting~~  
871 ~~potential toxicity to humans.~~

872 c. Comply with federal and state laws and regulations and  
873 department rules for solid and liquid wastes. The department  
874 shall determine by rule procedures for the storage, handling,  
875 transportation, management, and disposal of solid and liquid

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876 waste generated during marijuana production and processing. The  
877 Department of Environmental Protection shall assist the  
878 department in developing such rules.

879 d. Test the processed marijuana using a medical marijuana  
880 testing laboratory before it is sold or dispensed. Results must  
881 be verified and signed by two MMTC ~~medical marijuana treatment~~  
882 ~~center~~ employees. Before selling, wholesaling, or dispensing,  
883 the MMTC shall ~~medical marijuana treatment center~~ must determine  
884 that the test results indicate that low-THC cannabis meets the  
885 definition of low-THC cannabis, the concentration of  
886 tetrahydrocannabinol meets the potency requirements of this  
887 section, the labeling of the concentration of  
888 tetrahydrocannabinol and cannabidiol is accurate, and all  
889 marijuana is safe for human consumption and free from  
890 contaminants that are unsafe for human consumption. The  
891 department shall determine by rule which contaminants must be  
892 tested for and the maximum levels of each contaminant which are  
893 safe for human consumption. The Department of Agriculture and  
894 Consumer Services shall assist the department in developing the  
895 testing requirements for contaminants that are unsafe for human  
896 consumption in edibles. The department shall also determine by  
897 rule the procedures for the treatment of marijuana that fails to  
898 meet the testing requirements of this section, s. 381.988, or  
899 department rule. The department may select a random sample from  
900 edibles available for purchase in a dispensing facility, which

901 must ~~shall~~ be tested by the department to determine that the  
 902 edible meets the potency requirements of this section and~~r~~ is  
 903 safe for human consumption~~r~~ and that the labeling of the  
 904 tetrahydrocannabinol and cannabidiol concentration is accurate.  
 905 An MMTC ~~A medical marijuana treatment center~~ may not require  
 906 payment from the department for the sample. An MMTC shall ~~A~~  
 907 ~~medical marijuana treatment center~~ must recall edibles,  
 908 including all edibles made from the same batch of marijuana,  
 909 which fail to meet the potency requirements of this section,  
 910 which are unsafe for human consumption, or for which the  
 911 labeling of the tetrahydrocannabinol and cannabidiol  
 912 concentration is inaccurate. An MMTC shall ~~The medical marijuana~~  
 913 ~~treatment center~~ must retain records of all testing and samples  
 914 of each homogenous batch of marijuana for at least 9 months. An  
 915 MMTC shall ~~The medical marijuana treatment center~~ must contract  
 916 with a marijuana testing laboratory to perform audits on the  
 917 MMTC's ~~medical marijuana treatment center's~~ standard operating  
 918 procedures, testing records, and samples and provide the results  
 919 to the department to confirm that the marijuana or low-THC  
 920 cannabis meets the requirements of this section and that the  
 921 marijuana or low-THC cannabis is safe for human consumption. An  
 922 MMTC ~~A medical marijuana treatment center~~ shall reserve two  
 923 processed samples from each batch and retain such samples for at  
 924 least 9 months for the purpose of such audits. An MMTC ~~A medical~~  
 925 ~~marijuana treatment center~~ may use a laboratory that has not

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926 | been certified by the department under s. 381.988 until such  
927 | time as at least one laboratory holds the required  
928 | certification, ~~but in no event later than July 1, 2018.~~

929 | e. Package the marijuana in compliance with the United  
930 | States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
931 | 1471 et seq.

932 | f. Package the marijuana in a receptacle that has a firmly  
933 | affixed and legible label stating the following information:

934 | (I) That the marijuana or low-THC cannabis meets the  
935 | requirements of sub-subparagraph d.

936 | (II) The name of the MMTC ~~medical marijuana treatment~~  
937 | ~~center~~ from which the marijuana originates.

938 | (III) The batch number and harvest number from which the  
939 | marijuana originates and the date that the marijuana is sold or  
940 | dispensed.

941 | ~~(IV) The name of the physician who issued the physician~~  
942 | ~~certification.~~

943 | ~~(V) The name of the patient.~~

944 | (IV)-(VI) The product name, if applicable, and dosage form,  
945 | including concentration of tetrahydrocannabinol and cannabidiol.  
946 | The product name may not contain wording commonly associated  
947 | with products marketed by or to children.

948 | (V)-(VII) The recommended dose.

949 | (VI)-(VIII) A warning that it is illegal to transfer  
950 | ~~medical~~ marijuana to a another person younger than 21 years of

951 age.

952 (VII) ~~(IX)~~ A marijuana universal symbol developed by the  
953 department.

954 11.12. The MMTC that packages the marijuana ~~medical~~  
955 ~~marijuana treatment center~~ shall include in each package an a  
956 ~~patient package~~ insert with information on the specific product  
957 dispensed related to all of the following:

- 958 a. Clinical pharmacology.  
959 b. Indications and use.  
960 c. Dosage and administration.  
961 d. Dosage forms and strengths.  
962 e. Contraindications.  
963 f. Warnings and precautions.  
964 g. Adverse reactions.

965 12.13. In addition to the packaging and labeling  
966 requirements specified in subparagraphs 10. and 11. ~~and 12.~~,  
967 marijuana in a form for smoking must be packaged in a sealed  
968 receptacle with a legible and prominent warning to keep the  
969 receptacle away from children and a warning that states that  
970 marijuana smoke contains carcinogens and may negatively affect  
971 health. Such receptacles for marijuana in a form for smoking  
972 must be plain, opaque, and white without depictions of the  
973 product or images other than the MMTC's ~~medical marijuana~~  
974 ~~treatment center's~~ department-approved logo and the marijuana  
975 universal symbol.

976 13.14. The department shall adopt rules to regulate the  
 977 types, appearance, and labeling of marijuana delivery devices  
 978 dispensed from an MMTC ~~a medical marijuana treatment center~~. The  
 979 rules must require marijuana delivery devices to have an  
 980 appearance consistent with medical use.

981 14.15. Each edible must ~~shall~~ be individually sealed in  
 982 plain, opaque wrapping marked only with the marijuana universal  
 983 symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with  
 984 the marijuana universal symbol. In addition to the packaging and  
 985 labeling requirements in subparagraphs 10. and 11. ~~and 12.~~,  
 986 edible receptacles must be plain, opaque, and white without  
 987 depictions of the product or images other than the MMTC's  
 988 ~~medical marijuana treatment center's~~ department-approved logo  
 989 and the marijuana universal symbol. The receptacle must also  
 990 include a list of all the edible's ingredients, storage  
 991 instructions, information on the estimated amount of time for  
 992 the edible to take effect, an expiration date, a legible and  
 993 prominent warning to keep the receptacle away from children and  
 994 pets, and a warning that the edible has not been produced or  
 995 inspected pursuant to federal food safety laws.

996 (d) Retail licenses.-

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

1000 a. A completed retail license application form.



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1001 b. A statement by the applicant which indicates whether  
1002 the applicant intends to dispense by delivery. A retail licensee  
1003 may not deliver marijuana without also obtaining a  
1004 transportation license pursuant to paragraph (f).

1005 c. The physical address of each location where the  
1006 applicant will dispense or store marijuana.

1007 d. Identifying information for all other current or  
1008 previous retail licenses held by the applicant or any of the  
1009 applicant's principals.

1010 e. Proof of operating procedures designed to secure and  
1011 maintain accountability for all marijuana that the applicant  
1012 receives and possesses, to ensure that only the allowed amount  
1013 of marijuana is sold or dispensed, to ensure that the specified  
1014 type of marijuana is correctly dispensed to a qualified patient  
1015 or his or her caregiver pursuant to a physician certification,  
1016 and to monitor the medical marijuana patient registry and  
1017 electronically update the registry with dispensing information.

1018 2. A retail license expires 2 years after the date it is  
1019 issued. The retail licensee must apply for license renewal  
1020 before the expiration date. To renew a license, a retail  
1021 licensee must meet all of the requirements for initial  
1022 licensure; must provide all of the documents required under  
1023 paragraph (b); and must not have any outstanding substantial  
1024 violations of the applicable standards adopted by department  
1025 rule.

1026 3. Before beginning to sell, dispense, or store marijuana,  
 1027 the licensee shall obtain a facility permit from the department  
 1028 for each location where marijuana will be sold, dispensed, or  
 1029 stored. If a facility's permit expires or is suspended or  
 1030 revoked, the MMTC must cease all applicable operations at that  
 1031 facility until the department inspects the facility and renews  
 1032 or reinstates the facility's permit.

1033 4. A dispensing facility may not repackage or modify  
 1034 marijuana that has already been packaged for sale by a  
 1035 cultivation licensee or processing licensee, unless the  
 1036 repackaging is of unprocessed marijuana, is done in accordance  
 1037 with instructions from the cultivator or processor, and is  
 1038 documented in the required seed-to-sale tracking system.

1039 5. A retail licensee may contract with an MMTC that has a  
 1040 transportation license to transport marijuana between properties  
 1041 owned by the retail licensee, to deliver the marijuana for sale  
 1042 or dispensing, and to pick up returns of marijuana.

1043 6. Onsite consumption or administration of marijuana at a  
 1044 dispensing facility is prohibited.

1045 ~~7.16.~~ When dispensing marijuana or a marijuana delivery  
 1046 device, an MMTC licensed for retail a medical marijuana  
 1047 treatment center:

1048 a. May dispense any active, valid order for low-THC  
 1049 cannabis, medical cannabis and cannabis delivery devices issued  
 1050 pursuant to former s. 381.986, Florida Statutes 2016, which was

1051 entered into the medical marijuana use registry before July 1,  
1052 2017.

1053 b. May not dispense more than one a 70-day supply of  
1054 marijuana within any 70-day period to a qualified patient or  
1055 caregiver ~~and~~, may not dispense more than one 35-day supply of  
1056 marijuana in a form for smoking within any 35-day period to a  
1057 qualified patient or caregiver. A 35-day supply of marijuana in  
1058 a form for smoking may not exceed 2.5 ounces unless an exception  
1059 to this amount is approved by the department pursuant to  
1060 paragraph (4) (f).

1061 c. Shall require ~~Must have~~ the MMTC's ~~medical marijuana~~  
1062 ~~treatment center's~~ employee who dispenses the marijuana or a  
1063 marijuana delivery device to enter into the medical marijuana  
1064 use registry his or her name or unique employee identifier.

1065 d. When dispensing to a qualified patient or caregiver,  
1066 shall ~~must~~ verify that the qualified patient and, if applicable,  
1067 ~~the caregiver, if applicable,~~ each have an active registration  
1068 in the medical marijuana use registry and an active and valid  
1069 medical marijuana use registry identification card; ~~that~~, the  
1070 amount and type of marijuana dispensed matches the physician  
1071 certification in the medical marijuana use registry for that  
1072 qualified patient; ~~and~~ that the physician certification has not  
1073 already been filled.

1074 e. When dispensing to a qualified patient or caregiver,  
1075 shall label the marijuana or the marijuana delivery device with

1076 the name of the physician who issued the physician certification  
1077 and the name of the patient for whom the certification was  
1078 issued before it is dispensed.

1079 f.e. May not dispense marijuana to a qualified patient who  
1080 is younger than 18 years of age. If the qualified patient is  
1081 younger than 18 years of age, marijuana may ~~only~~ be dispensed  
1082 only to the qualified patient's caregiver.

1083 g. May sell marijuana to an adult 21 years of age or older  
1084 pursuant to s. 381.990, provided that the MMTC is registered  
1085 with the Department of Business and Professional Regulation  
1086 pursuant to that section. When selling marijuana pursuant to s.  
1087 381.990, the employee selling the marijuana must determine that  
1088 the appearance of the buyer is such that a prudent person would  
1089 believe the buyer to be 21 years of age or older or must  
1090 carefully check the buyer's driver license, identification card  
1091 issued by this state or another state of the United States,  
1092 passport, or United States Armed Services identification card to  
1093 determine the buyer's age. Other than for the purpose of  
1094 determining a buyer's age, an MMTC may not request or store any  
1095 personal information provided by the buyer.

1096 h.f. May not dispense or sell any ~~other type of cannabis,~~  
1097 ~~alcohol,~~ or illicit drug-related product, ~~including pipes or~~  
1098 ~~wrapping papers made with tobacco or hemp, other than a~~  
1099 ~~marijuana delivery device required for the medical use of~~  
1100 ~~marijuana and which is specified in a physician certification.~~

1101 ~~i.g. Must,~~ Upon dispensing the marijuana or marijuana  
 1102 delivery device to a qualified patient or caregiver, shall  
 1103 record in the registry the date, time, quantity, and form of  
 1104 marijuana dispensed; the type of marijuana delivery device  
 1105 dispensed; and the name and medical marijuana use registry  
 1106 identification number of the qualified patient or caregiver to  
 1107 whom the marijuana delivery device was dispensed.

1108 ~~j.h. Shall Must~~ ensure that patient records are not  
 1109 visible to anyone other than the qualified patient, his or her  
 1110 caregiver, and authorized MMTC ~~medical marijuana treatment~~  
 1111 ~~center~~ employees.

1112 ~~(e)(f)~~ Security.—To ensure the safety and security of  
 1113 premises where the cultivation, processing, storing, or  
 1114 dispensing of marijuana occurs, and to maintain adequate  
 1115 controls against the diversion, theft, and loss of marijuana or  
 1116 marijuana delivery devices, an MMTC ~~a medical marijuana~~  
 1117 ~~treatment center~~ shall do all of the following:

1118 1.a. Maintain a fully operational security alarm system  
 1119 that secures all entry points and perimeter windows and is  
 1120 equipped with motion detectors; pressure switches; and duress,  
 1121 panic, and hold-up alarms. ~~;~~ ~~and~~

1122 b. Maintain a video surveillance system that records  
 1123 continuously, 24 hours a day, and meets all of the following  
 1124 criteria:

1125 (I) Cameras are fixed in a place that allows for the clear

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1126 identification of persons and activities in controlled areas of  
1127 the premises. Controlled areas include grow rooms, processing  
1128 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
1129 rooms.

1130 (II) Cameras are fixed in entrances and exits to the  
1131 premises in a place that allows recording, ~~which shall record~~  
1132 from both indoor and outdoor, or ingress and egress, vantage  
1133 points.

1134 (III) Produces recorded images that ~~must~~ clearly and  
1135 accurately display the time and date of recording.

1136 c.-(IV) Retain video surveillance recordings for at least  
1137 45 days or longer upon the request of a law enforcement agency.

1138 2. Ensure that the MMTC's ~~medical marijuana treatment~~  
1139 ~~center's~~ outdoor premises have sufficient lighting from dusk  
1140 until dawn.

1141 3. Ensure that the indoor premises where dispensing occurs  
1142 include ~~includes~~ a waiting area with sufficient space and  
1143 seating to accommodate qualified patients and caregivers and at  
1144 least one private consultation area that is isolated from the  
1145 waiting area and the area where dispensing occurs. An MMTC A  
1146 ~~medical marijuana treatment center~~ may not display products or  
1147 dispense marijuana or marijuana delivery devices in the waiting  
1148 area.

1149 4. Cease dispensing ~~Not dispense from its premises~~  
1150 marijuana or ~~a~~ marijuana delivery devices from its premises

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1151 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may  
1152 perform all other operations and deliver marijuana to qualified  
1153 patients 24 hours a day.

1154 5. Store marijuana in a secured, locked room or a vault.

1155 6. Require at least two of its employees, or two employees  
1156 of a security agency with whom it contracts, to be on the  
1157 premises ~~at all times~~ where cultivation, processing, or storing  
1158 of marijuana occurs, at all times.

1159 7. Require each employee or contractor to wear a photo  
1160 identification badge at all times while on the premises.

1161 8. Require each visitor to wear a visitor pass at all  
1162 times while on the premises.

1163 9. Implement an alcohol and drug-free workplace policy.

1164 10. Report to a local law enforcement agency within 24  
1165 hours after the MMTC ~~medical marijuana treatment center~~ is  
1166 notified or becomes aware of the theft, diversion, or loss of  
1167 marijuana.

1168 (f) Transportation licenses; vehicle permits.-

1169 1. A registered MMTC may apply for a transportation  
1170 license. When applying, the MMTC shall provide the department  
1171 with, at a minimum, all of the following:

1172 a. The physical address of the MMTC's place of business.

1173 b. Proof that the MMTC has a documentation system in  
1174 accordance with the required seed-to-sale tracking system,  
1175 including transportation manifests, for transporting marijuana

1176 between licensed facilities and to qualified patients.

1177 Transportation manifests may be electronically stored and  
1178 presented.

1179 c. Proof of the MMTC's compliance with health and  
1180 sanitation standards for the transportation of marijuana.

1181 d. Proof that all marijuana transported between licensed  
1182 facilities will be transported in tamper-evident shipping  
1183 containers.

1184 2. An MMTC with a transportation license may not transport  
1185 marijuana on the property of an airport, a seaport, a spaceport,  
1186 or any property of the Federal Government.

1187 3. An MMTC with a transportation license may transport  
1188 marijuana and marijuana delivery devices only in a vehicle that  
1189 is owned or leased by the MMTC or the MMTC's contractor and for  
1190 which a valid vehicle permit has been issued by the department.

1191 4. An MMTC with a transportation license may obtain a  
1192 vehicle permit upon submission of an application. The MMTC must  
1193 designate as the driver for each permitted vehicle an employee  
1194 or contracted employee who is registered with the department and  
1195 who is authorized to possess marijuana when not on the property  
1196 of the MMTC. The designation must be displayed in the vehicle at  
1197 all times. Each permitted vehicle must be GPS monitored. A  
1198 vehicle permit remains valid and does not expire unless the MMTC  
1199 or its contractor disposes of the permitted vehicle or the  
1200 MMTC's registration or transportation license is transferred,



1201 canceled, not renewed, or revoked by the department. The  
1202 department shall cancel a vehicle permit upon the request of the  
1203 MMTC or its contractor.

1204 5. When transporting marijuana, a permitted vehicle is  
1205 subject to inspection and search without a search warrant by  
1206 authorized employees of the department, sheriffs, deputy  
1207 sheriffs, police officers, or other law enforcement officers to  
1208 determine that the MMTC is operating in compliance with this  
1209 section.

1210 6. An MMTC with a transportation license may deliver, or  
1211 contract for the delivery of, marijuana and marijuana delivery  
1212 devices to other MMTCs, to qualified patients and caregivers  
1213 within this state, and to adults 21 years of age or older within  
1214 this state. A county or municipality may not prohibit deliveries  
1215 of marijuana and marijuana delivery devices to qualified  
1216 patients or caregivers within the county or municipality.  
1217 Deliveries may be made only to the qualified patient who placed  
1218 the order or his or her caregiver. When delivering to a  
1219 qualified patient or caregiver, an MMTC or its contractor shall  
1220 verify the identity of the qualified patient upon placement of  
1221 the delivery order and, again, upon delivery. When delivering  
1222 marijuana to an adult 21 years of age or older, an MMTC or its  
1223 contractor shall verify the age of the buyer upon placement of  
1224 the order and, again, upon delivery. In order to verify the age  
1225 of the buyer, the MMTC must determine that the appearance of the

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1226 buyer is such that a prudent person would believe the buyer to  
1227 be 21 years of age or older or must carefully check the buyer's  
1228 driver license, identification card issued by this state or  
1229 another state of the United States, passport, or United States  
1230 Armed Services identification card to determine the buyer's age.  
1231 The department shall adopt rules specific to the delivery of  
1232 marijuana which include both of the following:

1233 a. Procedures for verifying the age and identity of the  
1234 person placing the order for and receiving a delivery, as  
1235 appropriate, including required training for delivery personnel.

1236 b. A maximum dispensary value for all marijuana and  
1237 currency that may be in the possession of a registered MMTC  
1238 employee or contractor while he or she makes a delivery. The  
1239 maximum value established by rule may not be less than \$5,000.

1240 7. Licensees under this subsection may use contractors to  
1241 assist with the transportation of marijuana, but the licensee is  
1242 ultimately responsible for all of the actions and operations of  
1243 each contractor relating to the transportation of marijuana and  
1244 must know the location of all marijuana products at all times.  
1245 To participate in the operations of a licensee under this  
1246 subsection, a principal or employee of a contractor contracted  
1247 by the licensee must first register with the department under  
1248 subsection (9) and be issued an MMTC employee identification  
1249 card.

1250 (g) Facility permits.—

1251 1. Before cultivating, processing, dispensing, or storing  
 1252 marijuana at any location, an MMTC shall apply to the department  
 1253 for the applicable facility permit for that facility. The  
 1254 department shall adopt by rule an application form. Upon  
 1255 receiving a request for a permit from a licensee, the department  
 1256 shall inspect the facility for compliance with this section and  
 1257 rules adopted hereunder, and, upon a determination of  
 1258 compliance, shall issue a permit to the facility. The department  
 1259 shall issue or deny a facility permit within 30 days after  
 1260 receiving the request for the permit.

1261 2. A facility permit expires 2 years after the date it is  
 1262 issued. Each facility must be inspected by the department for  
 1263 compliance with this section and department rules before the  
 1264 facility's permit is renewed.

1265 3. If a facility permit expires or is suspended or  
 1266 revoked, the MMTC must cease all applicable operations at that  
 1267 facility until the department inspects the facility and renews  
 1268 or reinstates the facility's permit.

1269 4. Cultivation facilities and processing facilities:

1270 a. Shall maintain insurance with at least \$1 million of  
 1271 hazard and liability insurance per location; and

1272 b. Must be secure, closed to the public, and, unless an  
 1273 ordinance allows the facility to be located closer, located at  
 1274 least 1,000 feet away from any existing public or private  
 1275 elementary or secondary school, a child care facility as defined

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1276 in s. 402.302, or a licensed service provider offering substance  
1277 abuse services.

1278 5. All matters regarding the permitting and regulation of  
1279 cultivation facilities and processing facilities, including the  
1280 location of such facilities, are preempted to the state.

1281 6. Dispensing facilities and storage facilities:

1282 a. Shall maintain insurance with at least \$500,000 of  
1283 hazard and liability insurance for each facility where marijuana  
1284 is dispensed or stored; and

1285 b. Must be located at least 1,000 feet away from any  
1286 existing public or private elementary or secondary school, child  
1287 care facility as defined in s. 402.302, or licensed service  
1288 provider offering substance abuse services, unless an ordinance  
1289 allows the facility to be located closer,.

1290 7. The governing body of a county or municipality, by  
1291 ordinance, may prohibit or limit the number of dispensing  
1292 facilities located within its jurisdiction but may not prohibit  
1293 an MMTC with a retail license or its permitted storage facility  
1294 from being located within its jurisdiction if the licensee is  
1295 delivering or contracting to deliver marijuana within that  
1296 jurisdiction. The department may not issue a facility permit for  
1297 a dispensing facility in a county or municipality in which the  
1298 board of county commissioners or other local governing body, as  
1299 applicable, has adopted such an ordinance. A county or  
1300 municipality may not require, request, or accept financial

1301 contributions or similar benefits from an MMTC, but, in addition  
 1302 to other taxes authorized by law, a county or municipality may  
 1303 levy a local business tax on a dispensing facility. An ordinance  
 1304 adopted by a municipality or county pursuant to this paragraph  
 1305 may not do any of the following:

1306 a. Provide exclusive access to one or several individuals  
 1307 or entities to operate dispensing facilities within the  
 1308 jurisdiction.

1309 b. Prohibit specific individuals or entities from  
 1310 operating a dispensing facility within the jurisdiction if the  
 1311 ordinance allows dispensing facilities to operate in the  
 1312 jurisdiction.

1313 c. Prohibit the delivery of marijuana within the  
 1314 jurisdiction by a properly licensed MMTC located within the  
 1315 jurisdiction.

1316 8. The department may adopt by rule additional  
 1317 requirements for the permitting of cultivation, processing,  
 1318 dispensing, and storage facilities to ensure the sanitary, safe,  
 1319 and secure cultivation, processing, dispensing, storage, and  
 1320 sale of marijuana.

1321 ~~To ensure the safe transport of marijuana and marijuana~~  
 1322 ~~delivery devices to medical marijuana treatment centers,~~  
 1323 ~~marijuana testing laboratories, or qualified patients, a medical~~  
 1324 ~~marijuana treatment center must:~~

1325 ~~1. Maintain a marijuana transportation manifest in any~~

1326 ~~vehicle transporting marijuana. The marijuana transportation~~  
1327 ~~manifest must be generated from a medical marijuana treatment~~  
1328 ~~center's seed-to-sale tracking system and include the:~~

- 1329 ~~a. Departure date and approximate time of departure.~~
- 1330 ~~b. Name, location address, and license number of the~~  
1331 ~~originating medical marijuana treatment center.~~
- 1332 ~~c. Name and address of the recipient of the delivery.~~
- 1333 ~~d. Quantity and form of any marijuana or marijuana~~  
1334 ~~delivery device being transported.~~
- 1335 ~~e. Arrival date and estimated time of arrival.~~
- 1336 ~~f. Delivery vehicle make and model and license plate~~  
1337 ~~number.~~
- 1338 ~~g. Name and signature of the medical marijuana treatment~~  
1339 ~~center employees delivering the product.~~

1340 ~~(I) A copy of the marijuana transportation manifest must~~  
1341 ~~be provided to each individual, medical marijuana treatment~~  
1342 ~~center, or marijuana testing laboratory that receives a~~  
1343 ~~delivery. The individual, or a representative of the center or~~  
1344 ~~laboratory, must sign a copy of the marijuana transportation~~  
1345 ~~manifest acknowledging receipt.~~

1346 ~~(II) An individual transporting marijuana or a marijuana~~  
1347 ~~delivery device must present a copy of the relevant marijuana~~  
1348 ~~transportation manifest and his or her employee identification~~  
1349 ~~card to a law enforcement officer upon request.~~

1350 ~~(III) Medical marijuana treatment centers and marijuana~~

1351 ~~testing laboratories must retain copies of all marijuana~~  
1352 ~~transportation manifests for at least 3 years.~~

1353 ~~2. Ensure only vehicles in good working order are used to~~  
1354 ~~transport marijuana.~~

1355 ~~3. Lock marijuana and marijuana delivery devices in a~~  
1356 ~~separate compartment or container within the vehicle.~~

1357 ~~4. Require employees to have possession of their employee~~  
1358 ~~identification card at all times when transporting marijuana or~~  
1359 ~~marijuana delivery devices.~~

1360 ~~5. Require at least two persons to be in a vehicle~~  
1361 ~~transporting marijuana or marijuana delivery devices, and~~  
1362 ~~require at least one person to remain in the vehicle while the~~  
1363 ~~marijuana or marijuana delivery device is being delivered.~~

1364 ~~6. Provide specific safety and security training to~~  
1365 ~~employees transporting or delivering marijuana and marijuana~~  
1366 ~~delivery devices.~~

1367 (h) Advertising.—~~An MMTC~~ A medical marijuana treatment  
1368 ~~center~~ may not engage in advertising that is visible to members  
1369 of the public from any street, sidewalk, park, or other public  
1370 place, except:

1371 1. An MMTC dispensing facility ~~The dispensing location of~~  
1372 ~~A medical marijuana treatment center~~ may have a sign that is  
1373 affixed to the outside or hanging in the window of the premises  
1374 which identifies the dispensing facility ~~dispensary~~ by the  
1375 licensee's business name, a department-approved trade name, or a

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1376 department-approved logo. An MMTC's ~~A medical marijuana~~  
1377 ~~treatment center's~~ trade name and logo may not contain wording  
1378 or images commonly associated with marketing targeted toward  
1379 children ~~or which promote recreational use of marijuana.~~

1380 2. An MMTC ~~A medical marijuana treatment center~~ may engage  
1381 in Internet advertising and marketing under the following  
1382 conditions:

1383 a. All advertisements must be approved by the department.

1384 b. An advertisement may not have any content that  
1385 specifically targets individuals under the age of 18, including  
1386 cartoon characters or similar images.

1387 c. An advertisement may not be an unsolicited pop-up  
1388 advertisement.

1389 d. Opt-in marketing must include an easy and permanent  
1390 opt-out feature.

1391 (i) Online retail catalogs.—Each retail MMTC ~~medical~~  
1392 ~~marijuana treatment center~~ that dispenses marijuana and  
1393 marijuana delivery devices shall make all of the following  
1394 available to the public on its website:

1395 1. Each marijuana and low-THC product available for  
1396 purchase, including the form, strain of marijuana from which it  
1397 was extracted, cannabidiol content, tetrahydrocannabinol  
1398 content, dose unit, total number of doses available, and the  
1399 ratio of cannabidiol to tetrahydrocannabinol for each product.

1400 2. The price for a 30-day, 50-day, and 70-day supply at a



1401 standard dose for each marijuana and low-THC product available  
 1402 for purchase.

1403 3. The price for each marijuana delivery device available  
 1404 for purchase.

1405 4. If applicable, any discount policies and eligibility  
 1406 criteria for such discounts.

1407 (j) Sourcing of marijuana for medical use. ~~MMTCs Medical~~  
 1408 ~~marijuana treatment centers~~ are the sole source from which a  
 1409 person ~~qualified patient~~ may legally obtain marijuana.

1410 (k) Rulemaking.—The department may adopt rules pursuant to  
 1411 ss. 120.536(1) and 120.54 to implement this subsection.

1412 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;  
 1413 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1414 (a) The department shall adopt rules to administer the  
 1415 registration of medical marijuana treatment center (MMTC)  
 1416 principals, employees, and contractors who participate in the  
 1417 operations of an MMTC. Before hiring or contracting with any  
 1418 individual who is not registered with the department or who does  
 1419 not possess a current MMTC employee identification card, an MMTC  
 1420 must apply to the department to register that person as an MMTC  
 1421 employee. The department shall adopt by rule a form for such  
 1422 applications for registration, which must require the applicant  
 1423 to provide all of the following:

1424 1. His or her full legal name, social security number,  
 1425 date of birth, and home address.

1426       2. A full-face, passport-type, color photograph of the  
1427 applicant taken within the 90 days immediately preceding  
1428 submission of the application.

1429       3. Proof that he or she has passed a level 2 background  
1430 screening pursuant to chapter 435 within the previous year.

1431       4. An indication as to whether the applicant will be  
1432 authorized by the MMTC to possess marijuana while not on MMTC  
1433 property.

1434       (b) Once the department has received a completed  
1435 application form from an MMTC, the department shall register the  
1436 principal, employee, or contractor associated with the MMTC and  
1437 issue him or her an MMTC employee identification card that, at a  
1438 minimum, includes all of the following:

1439       1. The employee's name and the name of the MMTC that  
1440 employs him or her.

1441       2. The employee's photograph, as required under paragraph  
1442 (a).

1443       3. The expiration date of the card, which must be 1 year  
1444 after the date it is issued.

1445       4. An indication of whether the employee is authorized by  
1446 the MMTC to possess marijuana while not on MMTC property.

1447       (c) If any information provided to the department for the  
1448 registration of an MMTC principal, employee, or contractor or in  
1449 the application for an MMTC employee identification card changes  
1450 or if the registered person's employment status with the MMTC

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1451 changes, the registered person and the MMTC must provide the  
1452 department with the new information or status within 7 days  
1453 after the change.

1454 (d) The department may contract with one or more vendors  
1455 for the purpose of issuing MMTC employee identification cards  
1456 under this subsection.

1457 ~~BACKGROUND SCREENING.—An individual required to undergo a~~  
1458 ~~background screening pursuant to this section must pass a level-~~  
1459 ~~2 background screening as provided under chapter 435, which, in~~  
1460 ~~addition to the disqualifying offenses provided in s. 435.04,~~  
1461 ~~shall exclude an individual who has an arrest awaiting final~~  
1462 ~~disposition for, has been found guilty of, regardless of~~  
1463 ~~adjudication, or has entered a plea of nolo contendere or guilty~~  
1464 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~  
1465 ~~similar law of another jurisdiction.~~

1466 ~~(a) Such individual must submit a full set of fingerprints~~  
1467 ~~to the department or to a vendor, entity, or agency authorized~~  
1468 ~~by s. 943.053(13). The department, vendor, entity, or agency~~  
1469 ~~shall forward the fingerprints to the Department of Law~~  
1470 ~~Enforcement for state processing, and the Department of Law~~  
1471 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~  
1472 ~~of Investigation for national processing.~~

1473 ~~(b) Fees for state and federal fingerprint processing and~~  
1474 ~~retention shall be borne by the individual. The state cost for~~  
1475 ~~fingerprint processing shall be as provided in s. 943.053(3) (c)~~

1476 ~~for records provided to persons or entities other than those~~  
 1477 ~~specified as exceptions therein.~~

1478 ~~(c) Fingerprints submitted to the Department of Law~~  
 1479 ~~Enforcement pursuant to this subsection shall be retained by the~~  
 1480 ~~Department of Law Enforcement as provided in s. 943.05(2)(g) and~~  
 1481 ~~(h) and, when the Department of Law Enforcement begins~~  
 1482 ~~participation in the program, enrolled in the Federal Bureau of~~  
 1483 ~~Investigation's national retained print arrest notification~~  
 1484 ~~program. Any arrest record identified shall be reported to the~~  
 1485 ~~department.~~

1486 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;  
 1487 ADMINISTRATIVE ACTIONS.—

1488 (a) ~~The department shall conduct announced or unannounced~~  
 1489 ~~inspections of medical marijuana treatment centers to determine~~  
 1490 ~~compliance with this section or rules adopted pursuant to this~~  
 1491 ~~section.~~

1492 (b) ~~The department shall inspect a medical marijuana~~  
 1493 ~~treatment center~~ Upon receiving a complaint or notice that an  
 1494 MMTC ~~the medical marijuana treatment center~~ has dispensed  
 1495 marijuana containing mold, bacteria, or another ~~other~~  
 1496 contaminant that may cause or has caused an adverse effect to  
 1497 human health or the environment, the department shall inspect  
 1498 the MMTC, its facilities, and, as appropriate, any cultivation  
 1499 or processing facility of the MMTC from which the batch of  
 1500 marijuana was purchased.

1501            ~~(b)-(e)~~ The department shall conduct at least a biennial  
 1502 inspection of each MMTC ~~medical marijuana treatment center~~ to  
 1503 evaluate its ~~the medical marijuana treatment center's~~ records,  
 1504 personnel, equipment, processes, security measures, sanitation  
 1505 practices, and quality assurance practices.

1506            (c) The department shall conduct at least a biennial  
 1507 inspection of each permitted facility. The department may  
 1508 conduct additional announced or unannounced inspections of a  
 1509 permitted facility within reasonable hours in order to ensure  
 1510 compliance with this section and rules adopted hereunder.

1511            (d) The Department of Agriculture and Consumer Services  
 1512 and the department shall enter into an interagency agreement to  
 1513 ensure cooperation and coordination in the performance of their  
 1514 obligations under this section and their respective regulatory  
 1515 and authorizing laws. The department, the Department of Highway  
 1516 Safety and Motor Vehicles, and the Department of Law Enforcement  
 1517 may enter into interagency agreements for the purposes specified  
 1518 in this subsection or subsection (7).

1519            (e) The department shall publish a list of all approved  
 1520 MMTCs ~~medical marijuana treatment centers~~, medical directors,  
 1521 and qualified physicians on its website.

1522            (f) The department may impose administrative penalties,  
 1523 including reasonable fines not to exceed \$10,000, on an MMTC a  
 1524 ~~medical marijuana treatment center~~ for any of the following  
 1525 violations:

- 1526 | 1. Violating this section or department rule.
- 1527 | 2. Failing to maintain qualifications for approval.
- 1528 | 3. Endangering the health, safety, or security of a
- 1529 | qualified patient or an adult purchasing marijuana pursuant to
- 1530 | s. 381.990.
- 1531 | 4. Improperly disclosing personal and confidential
- 1532 | information of the qualified patient.
- 1533 | 5. Attempting to procure MMTC ~~medical marijuana treatment~~
- 1534 | ~~center~~ approval by bribery, fraudulent misrepresentation, or
- 1535 | extortion.
- 1536 | 6. Being convicted or found guilty of, or entering a plea
- 1537 | of guilty or nolo contendere to, regardless of adjudication, a
- 1538 | crime in any jurisdiction which directly relates to the business
- 1539 | of an MMTC ~~a medical marijuana treatment center~~.
- 1540 | 7. Making or filing a report or record that the MMTC
- 1541 | ~~medical marijuana treatment center~~ knows to be false.
- 1542 | 8. Willfully failing to maintain a record required by this
- 1543 | section or department rule.
- 1544 | 9. Willfully impeding or obstructing an employee or agent
- 1545 | of the department in the furtherance of his or her official
- 1546 | duties.
- 1547 | 10. Engaging in fraud or deceit, negligence, incompetence,
- 1548 | or misconduct in the business practices of an MMTC ~~a medical~~
- 1549 | ~~marijuana treatment center~~.
- 1550 | 11. Making misleading, deceptive, or fraudulent

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1551 representations in or related to the business practices of an  
1552 MMTC ~~a medical marijuana treatment center~~.

1553 12. Having a license or the authority to engage in any  
1554 regulated profession, occupation, or business that is related to  
1555 the business practices of an MMTC ~~a medical marijuana treatment~~  
1556 ~~center~~ suspended, revoked, or otherwise acted against by the  
1557 licensing authority of any jurisdiction, including its agencies  
1558 or subdivisions, for a violation that would constitute a  
1559 violation under Florida law.

1560 13. Violating a lawful order of the department or an  
1561 agency of the state, or failing to comply with a lawfully issued  
1562 subpoena of the department or an agency of the state.

1563 14. Failing to adequately determine the age of a buyer who  
1564 is not a qualified patient or caregiver.

1565 (g) The department may suspend, revoke, or refuse to renew  
1566 an MMTC's registration, operating licenses, and any vehicle  
1567 permits or facility permits ~~a medical marijuana treatment center~~  
1568 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits  
1569 any of the violations specified in paragraph (f).

1570 (h) The department shall refuse to renew the cultivation,  
1571 processing, retail, or transportation license of an MMTC that  
1572 has been issued such a license and has not begun to cultivate,  
1573 process, dispense, or transport marijuana, as applicable, by the  
1574 date that the MMTC is required to renew such license.

1575 (i)-(h) The department may adopt rules pursuant to ss.

1576 | 120.536(1) and 120.54 to implement this subsection.

1577 |       (11) PREEMPTION.—Regulation of cultivation, processing,  
 1578 | and delivery of marijuana by MMTCs ~~medical-marijuana-treatment~~  
 1579 | ~~centers~~ is preempted to the state except as provided in this  
 1580 | subsection.

1581 |       (a) An MMTC ~~A medical-marijuana-treatment-center~~  
 1582 | cultivating or processing facility may not be located within 500  
 1583 | feet of the real property that comprises a public or private  
 1584 | elementary school, middle school, or secondary school.

1585 |       (b)1. A county or municipality may, by ordinance, ban MMTC  
 1586 | ~~medical-marijuana-treatment-center~~ dispensing facilities from  
 1587 | being located within the boundaries of that county or  
 1588 | municipality. A county or municipality that does not ban  
 1589 | dispensing facilities under this subparagraph may not place  
 1590 | specific limits, by ordinance, on the number of dispensing  
 1591 | facilities that may locate within that county or municipality.

1592 |       2. A municipality may determine by ordinance the criteria  
 1593 | for the location of, and other permitting requirements that do  
 1594 | not conflict with state law or department rule for, MMTC ~~medical~~  
 1595 | ~~marijuana-treatment-center~~ dispensing facilities located within  
 1596 | the boundaries of that municipality. A county may determine by  
 1597 | ordinance the criteria for the location of, and other permitting  
 1598 | requirements that do not conflict with state law or department  
 1599 | rule for, all such dispensing facilities located within the  
 1600 | unincorporated areas of that county. Except as provided in



1601 paragraph (c), a county or municipality may not enact ordinances  
 1602 for permitting or for determining the location of dispensing  
 1603 facilities which are more restrictive than its ordinances  
 1604 permitting or determining the locations for pharmacies licensed  
 1605 under chapter 465. A municipality or county may not charge an  
 1606 MMTC ~~a medical marijuana treatment center~~ a license or permit  
 1607 fee in an amount greater than the fee charged by such  
 1608 municipality or county to pharmacies. A dispensing facility  
 1609 location approved by a municipality or county pursuant to former  
 1610 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the  
 1611 location requirements of this subsection.

1612 (c) An MMTC ~~A medical marijuana treatment center~~  
 1613 dispensing facility may not be located within 500 feet of the  
 1614 real property that comprises a public or private elementary  
 1615 school, middle school, or secondary school unless the county or  
 1616 municipality approves the location through a formal proceeding  
 1617 open to the public at which the county or municipality  
 1618 determines that the location promotes the public health, safety,  
 1619 and general welfare of the community.

1620 (d) This subsection does not prohibit any local  
 1621 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~  
 1622 ~~center~~ facilities comply with the Florida Building Code, the  
 1623 Florida Fire Prevention Code, or any local amendments to the  
 1624 Florida Building Code or the Florida Fire Prevention Code.

1625 (12) PENALTIES.—

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1626 (a) A qualified physician commits a misdemeanor of the  
1627 first degree, punishable as provided in s. 775.082 or s.  
1628 775.083, if he or she ~~the qualified physician~~ issues a physician  
1629 certification for the medical use of marijuana for a patient  
1630 without a reasonable belief that the patient is suffering from a  
1631 qualifying medical condition.

1632 (b) A person who fraudulently represents that he or she  
1633 has a qualifying medical condition to a qualified physician for  
1634 the purpose of being issued a physician certification commits a  
1635 misdemeanor of the first degree, punishable as provided in s.  
1636 775.082 or s. 775.083.

1637 (c) 1. A person ~~qualified patient~~ who uses marijuana, not  
1638 including low-THC cannabis, or a caregiver who administers  
1639 marijuana, not including low-THC cannabis, in plain view of or  
1640 in a place open to the general public is subject to a civil fine  
1641 not exceeding \$100.

1642 2. A person who uses marijuana, not including low-THC  
1643 cannabis, ~~in a school bus, a moving vehicle, or an aircraft, or~~  
1644 ~~a boat,~~ or on the grounds of a school except as provided in s.  
1645 1006.062, commits a misdemeanor of the first degree, punishable  
1646 as provided in s. 775.082 or s. 775.083.

1647 (d) A person ~~qualified patient or caregiver~~ who cultivates  
1648 marijuana or who purchases ~~or acquires~~ marijuana from any person  
1649 or entity other than a medical marijuana treatment center (MMTC)  
1650 violates s. 893.13 and is subject to the penalties provided

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1651 therein.

1652 ~~(e)1. A qualified patient or caregiver in possession of~~  
1653 ~~marijuana or a marijuana delivery device who fails or refuses to~~  
1654 ~~present his or her marijuana use registry identification card~~  
1655 ~~upon the request of a law enforcement officer commits a~~  
1656 ~~misdemeanor of the second degree, punishable as provided in s.~~  
1657 ~~775.082 or s. 775.083, unless it can be determined through the~~  
1658 ~~medical marijuana use registry that the person is authorized to~~  
1659 ~~be in possession of that marijuana or marijuana delivery device.~~

1660 ~~2. A person charged with a violation of this paragraph may~~  
1661 ~~not be convicted if, before or at the time of his or her court~~  
1662 ~~or hearing appearance, the person produces in court or to the~~  
1663 ~~clerk of the court in which the charge is pending a medical~~  
1664 ~~marijuana use registry identification card issued to him or her~~  
1665 ~~which is valid at the time of his or her arrest. The clerk of~~  
1666 ~~the court is authorized to dismiss such case at any time before~~  
1667 ~~the defendant's appearance in court. The clerk of the court may~~  
1668 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1669 ~~(e)(f)~~ A caregiver who violates any of the applicable  
1670 provisions of this section or applicable department rules, for  
1671 the first offense, commits a misdemeanor of the second degree,  
1672 punishable as provided in s. 775.082 or s. 775.083 and, for a  
1673 second or subsequent offense, commits a misdemeanor of the first  
1674 degree, punishable as provided in s. 775.082 or s. 775.083.

1675 ~~(f)(g)~~ A qualified physician who issues a physician

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1676 certification for marijuana or a marijuana delivery device and  
1677 receives compensation from an MMTC ~~a medical marijuana treatment~~  
1678 ~~center~~ related to the issuance of a physician certification for  
1679 marijuana or a marijuana delivery device is subject to  
1680 disciplinary action under the applicable practice act and s.  
1681 456.072 (1) (n).

1682 (g)~~(h)~~ A person transporting marijuana or marijuana  
1683 delivery devices on behalf of an MMTC ~~a medical marijuana~~  
1684 ~~treatment center~~ or marijuana testing laboratory who fails or  
1685 refuses to present a transportation manifest, whether in paper  
1686 or electronic format, upon the request of a law enforcement  
1687 officer commits a misdemeanor of the second degree, punishable  
1688 as provided in s. 775.082 or s. 775.083.

1689 (h)~~(i)~~ Persons and entities conducting activities  
1690 authorized and governed by this section and s. 381.988 are  
1691 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1692 (i)~~(j)~~ A person or entity that cultivates, processes,  
1693 distributes, sells, or dispenses marijuana, as defined in s.  
1694 29(b)(4), Art. X of the State Constitution, and is not licensed  
1695 as an MMTC ~~a medical marijuana treatment center~~ violates s.  
1696 893.13 and is subject to the penalties provided therein. This  
1697 paragraph does not apply to a transfer of marijuana products or  
1698 marijuana which is authorized by this section, s. 381.990, or s.  
1699 893.13.

1700 (j)~~(k)~~ A person who manufactures, distributes, sells,

1701 gives, or possesses with the intent to manufacture, distribute,  
 1702 sell, or give marijuana or a marijuana delivery device that he  
 1703 or she holds out to have originated from a licensed MMTC ~~medical~~  
 1704 ~~marijuana treatment center~~ but that is counterfeit commits a  
 1705 felony of the third degree, punishable as provided in s.  
 1706 775.082, s. 775.083, or s. 775.084. For the purposes of this  
 1707 paragraph, the term "counterfeit" means marijuana; a marijuana  
 1708 delivery device; or a marijuana or marijuana delivery device  
 1709 container, seal, or label which, without authorization, bears  
 1710 the trademark, trade name, or other identifying mark, imprint,  
 1711 or device, or any likeness thereof, of a licensed MMTC ~~medical~~  
 1712 ~~marijuana treatment center~~ and which thereby falsely purports or  
 1713 is represented to be the product of, or to have been distributed  
 1714 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1715 (k)~~(l)~~ Any person who possesses or manufactures a blank,  
 1716 forged, stolen, fictitious, fraudulent, counterfeit, or  
 1717 otherwise unlawfully issued medical marijuana use registry  
 1718 identification card commits a felony of the third degree,  
 1719 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1720 (14) EXCEPTIONS TO OTHER LAWS.—

1721 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
 1722 any other ~~provision of~~ law, but subject to the requirements of  
 1723 this section, a qualified patient and the qualified patient's  
 1724 caregiver may purchase from an MMTC ~~a medical marijuana~~  
 1725 ~~treatment center~~ for the patient's medical use a marijuana

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1726 delivery device and up to the amount of marijuana authorized in  
1727 the physician certification, but may not possess more than a 70-  
1728 day supply of marijuana, or the greater of 4 ounces of marijuana  
1729 in a form for smoking or an amount of marijuana in a form for  
1730 smoking approved by the department pursuant to paragraph (4) (f),  
1731 at any given time and all marijuana purchased must remain in its  
1732 original packaging.

1733 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,  
1734 s. 893.147, or any other ~~provision of~~ law, a qualified patient  
1735 and the qualified patient's caregiver may purchase and possess a  
1736 marijuana delivery device intended for the medical use of  
1737 marijuana by smoking from a vendor other than an MMTC ~~a medical~~  
1738 ~~marijuana treatment center~~.

1739 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1740 any other ~~provision of~~ law, but subject to the requirements of  
1741 this section, an approved MMTC ~~medical marijuana treatment~~  
1742 ~~center~~ and its owners, managers, and employees may manufacture,  
1743 possess, sell, deliver, distribute, dispense, and lawfully  
1744 dispose of marijuana or a marijuana delivery device as provided  
1745 in this section, ss. 381.988 and 381.990, and by department  
1746 rule. For the purposes of this subsection, the terms  
1747 "manufacture," "possession," "deliver," "distribute," and  
1748 "dispense" have the same meanings as provided in s. 893.02.

1749 (e) A licensed MMTC ~~medical marijuana treatment center~~ and  
1750 its owners, managers, and employees are not subject to licensure

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1751 or regulation under chapter 465 or chapter 499 for  
1752 manufacturing, possessing, selling, delivering, distributing,  
1753 dispensing, or lawfully disposing of marijuana or a marijuana  
1754 delivery device, as provided in this section, in s. 381.988, and  
1755 by department rule.

1756 ~~(17) Rules adopted pursuant to this section before July 1,~~  
1757 ~~2022, are not subject to ss. 120.54(3)(b) and 120.541. This~~  
1758 ~~subsection expires July 1, 2022.~~

1759 Section 3. Section 381.990, Florida Statutes, is created  
1760 to read:

1761 381.990 Adult use of marijuana.-

1762 (1) A person 21 years of age or older may purchase  
1763 marijuana products containing up to 2,000 milligrams of  
1764 tetrahydrocannabinol; up to 2.5 ounces of marijuana in a form  
1765 for smoking; and one or more marijuana delivery devices, as  
1766 defined in s. 381.986, provided that such marijuana products,  
1767 marijuana in a form for smoking, and marijuana delivery devices  
1768 are purchased from a medical marijuana treatment center (MMTC)  
1769 that is licensed by the department pursuant to s. 381.986 for  
1770 the retail sale of marijuana and is registered by the Department  
1771 of Business and Professional Regulation for the sale of  
1772 marijuana for adult use. A violation of this subsection is  
1773 punishable as provided in s. 893.13.

1774 (2) A person who purchases marijuana products, marijuana  
1775 in a form for smoking, or marijuana delivery devices in

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1776 accordance with subsection (1) may possess, use, transport, and  
1777 transfer, without consideration, to a person 21 years of age or  
1778 older such products or devices. However, a person may not  
1779 possess at any given time marijuana products that contain, in  
1780 total, more than 2,000 milligrams of tetrahydrocannabinol or  
1781 more than 4.0 ounces of marijuana in a form for smoking. A  
1782 violation of this subsection is punishable as provided in s.  
1783 893.13.

1784 (3) This section does not limit the ability of a private  
1785 property owner to restrict the smoking or vaping of marijuana on  
1786 his or her private property; however, a landlord may not prevent  
1787 his or her tenants from possessing or using marijuana by other  
1788 means.

1789 (4) This section does not exempt a person from prosecution  
1790 for a criminal offense related to impairment or intoxication  
1791 resulting from the use of marijuana or relieve a person from any  
1792 requirement under law to submit to a breath, blood, urine, or  
1793 other test to detect the presence of a controlled substance.

1794 Section 4. Effective July 1, 2022, the Department of  
1795 Agriculture and Consumer Services shall conduct a study on the  
1796 potential harms and benefits of allowing the cultivation of  
1797 marijuana by members of the public for private use, including  
1798 the use of a cooperative model. The department shall report the  
1799 results of the study to the Governor, the President of the  
1800 Senate, and the Speaker of the House of Representatives by



1801 January 1, 2023.

1802 Section 5. Subsection (3) and paragraphs (a) and (b) of  
 1803 subsection (6) of section 893.13, Florida Statutes, are amended  
 1804 to read:

1805 893.13 Prohibited acts; penalties.—

1806 (3) (a) A person 21 years of age or older may deliver,  
 1807 without consideration, to another person 21 years of age or  
 1808 older:

1809 1. Marijuana products that contain a total of 2,000  
 1810 milligrams or less of tetrahydrocannabinol; and

1811 2. A quantity of 2.5 ounces or less of cannabis, as  
 1812 defined in this chapter.

1813 (b) A person younger than 21 years of age who delivers,  
 1814 without consideration, to another person marijuana products that  
 1815 contain a total of 2,000 milligrams or less of  
 1816 tetrahydrocannabinol or a quantity of 2.5 ounces or less of  
 1817 cannabis, as defined in this chapter, commits a misdemeanor of  
 1818 the second degree, punishable as provided in s. 775.082 or s.  
 1819 775.083, for a first conviction of a violation of this paragraph  
 1820 and commits a misdemeanor of the first degree, punishable as  
 1821 provided in s. 775.082 or s. 775.083, for a second or subsequent  
 1822 conviction of a violation of this paragraph ~~who delivers,~~  
 1823 ~~without consideration, 20 grams or less of cannabis, as defined~~  
 1824 ~~in this chapter, commits a misdemeanor of the first degree,~~  
 1825 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~

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1826 ~~this subsection, the term "cannabis" does not include the resin~~  
1827 ~~extracted from the plants of the genus Cannabis or any compound~~  
1828 ~~manufacture, salt, derivative, mixture, or preparation of such~~  
1829 ~~resin.~~

1830       (6) (a) Except as otherwise provided in this subsection, a  
1831 person may not be in actual or constructive possession of a  
1832 controlled substance unless such controlled substance was  
1833 lawfully obtained from a practitioner or pursuant to a valid  
1834 prescription or order of a practitioner while acting in the  
1835 course of his or her professional practice or to be in actual or  
1836 constructive possession of a controlled substance except as  
1837 otherwise authorized by this chapter. A person who violates this  
1838 provision commits a felony of the third degree, punishable as  
1839 provided in s. 775.082, s. 775.083, or s. 775.084.

1840       (b) 1. A person 21 years of age or older may possess  
1841 marijuana products that contain a total of 2,000 milligrams or  
1842 less of tetrahydrocannabinol and may possess 4.0 ounces or less  
1843 of cannabis, as defined in this chapter ~~If the offense is the~~  
1844 ~~possession of 20 grams or less of cannabis, as defined in this~~  
1845 ~~chapter, the person commits a misdemeanor of the first degree,~~  
1846 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~  
1847 ~~this subsection, the term "cannabis" does not include the resin~~  
1848 ~~extracted from the plants of the genus Cannabis, or any compound~~  
1849 ~~manufacture, salt, derivative, mixture, or preparation of such~~  
1850 ~~resin.~~

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1851 2. A person under 21 years of age who possesses marijuana  
1852 products that contain a total of 2,000 milligrams or less of  
1853 tetrahydrocannabinol or who possesses 4.0 ounces or less of  
1854 cannabis, as defined in this chapter, commits a misdemeanor of  
1855 the second degree, punishable as provided in s. 775.082 or s.  
1856 775.083, for a first conviction of a violation of this  
1857 paragraph, and a misdemeanor of the first degree, punishable as  
1858 provided in s. 775.082 or s. 775.083, for a second or subsequent  
1859 conviction of a violation of this paragraph.

1860 Section 6. Section 893.1352, Florida Statutes, is created  
1861 to read:

1862 893.1352 Retroactive application of s. 893.13.-

1863 (1) It is the intent of the Legislature to retroactively  
1864 apply amendments to s. 893.13 to certain persons who were  
1865 convicted of possession of cannabis before January 1, 2023.

1866 (2) As used in this section, a reference to "former s.  
1867 893.13, Florida Statutes 2022," is a reference to s. 893.13 as  
1868 it existed at any time before January 1, 2023.

1869 (3)(a) A person who was convicted of a violation of former  
1870 s. 893.13, Florida Statutes 2022, for possessing 4.0 ounces or  
1871 less of cannabis as defined in chapter 893, but was not  
1872 sentenced under that section before January 1, 2023, must be  
1873 sentenced in accordance with s. 775.082, s. 775.083, or s.  
1874 775.084 for the degree of offense as provided for in s. 893.13.

1875 (b) A person who was convicted of a violation of former s.

1876 893.13, Florida Statutes 2022, for possessing 4.0 ounces or less  
1877 of cannabis as defined in chapter 893, who was sentenced before  
1878 January 1, 2023, to a term of imprisonment or probation pursuant  
1879 to former s. 893.13, Florida Statutes 2022, and who is serving  
1880 the term of imprisonment or probation on or after January 1,  
1881 2023, must have an opportunity for a sentence review hearing. If  
1882 the person requests a sentence review hearing, he or she must be  
1883 resentenced in accordance with paragraph (c).

1884 (c) Resentencing under this section must occur in the  
1885 following manner:

1886 1. The Department of Corrections shall notify the person  
1887 described in paragraph (b) of his or her eligibility to request  
1888 a sentence review hearing.

1889 2. A person seeking sentence review under this section may  
1890 submit an application to the court of original jurisdiction  
1891 requesting that a sentence review hearing be held. The  
1892 sentencing court retains original jurisdiction for the duration  
1893 of the sentence for the purpose of this review.

1894 3. A person who is eligible for a sentence review hearing  
1895 under this section is entitled to representation by legal  
1896 counsel. If the person is indigent and unable to employ counsel,  
1897 the court shall appoint counsel under s. 27.52. Determination of  
1898 indigence and costs of representation is as provided in ss.  
1899 27.52 and 938.29.

1900 4. Upon receipt of a request for a sentence review

1901 hearing, the court of original jurisdiction shall hold such a  
1902 hearing to determine if the person meets the criteria for  
1903 resentencing under this section. If the court determines by a  
1904 preponderance of the evidence that the person is currently  
1905 serving a sentence for a violation of former s. 893.13, Florida  
1906 Statutes 2022, and that the violation was for possession of  
1907 cannabis in the amount of 4.0 ounces or less, the court shall  
1908 resentence the person in accordance with this section. If the  
1909 court determines that the person does not meet the criteria for  
1910 resentencing under this section, the court must provide written  
1911 findings as to why the person does not meet the criteria.

1912 5. If the court finds that the underlying facts of the  
1913 person's conviction that is subject to resentencing are  
1914 classified as a crime under s. 893.13, the person must be  
1915 resentenced to a term that would not exceed the maximum sentence  
1916 provided by that section. The person is entitled to receive  
1917 credit for his or her time served.

1918 6. If the court finds that the underlying facts of the  
1919 person's conviction that is subject to resentencing are not  
1920 classified as a crime under s. 893.13, the person must be  
1921 resentenced to time served and released from supervision as soon  
1922 as reasonably possible.

1923 (4) Notwithstanding any other law, a person who has been  
1924 convicted of a crime under former s. 893.13, Florida Statutes  
1925 2022, and whose offense would not be classified as a crime under

1926 | s. 893.13, must have all fines, fees, and costs related to such  
 1927 | conviction waived.

1928 | Section 7. Subsections (5), (6), and (7) of section  
 1929 | 893.147, Florida Statutes, are renumbered as subsections (6),  
 1930 | (7), and (8), respectively, subsections (1), (2), and (4) of  
 1931 | that section are amended, and a new subsection (5) is added to  
 1932 | that section, to read:

1933 | 893.147 Use, possession, manufacture, delivery,  
 1934 | transportation, advertisement, or retail sale of drug  
 1935 | paraphernalia, specified machines, and materials.—

1936 | (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as  
 1937 | provided in subsection (5), it is unlawful for any person to  
 1938 | use, or to possess with intent to use, drug paraphernalia:

1939 | (a) To plant, propagate, cultivate, grow, harvest,  
 1940 | manufacture, compound, convert, produce, process, prepare, test,  
 1941 | analyze, pack, repack, store, contain, or conceal a controlled  
 1942 | substance in violation of this chapter; or

1943 | (b) To inject, ingest, inhale, or otherwise introduce into  
 1944 | the human body a controlled substance in violation of this  
 1945 | chapter.

1946 |  
 1947 | Any person who violates this subsection is guilty of a  
 1948 | misdemeanor of the first degree, punishable as provided in s.  
 1949 | 775.082 or s. 775.083.

1950 | (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except

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1951 as provided in subsection (5), it is unlawful for any person to  
 1952 deliver, possess with intent to deliver, or manufacture with  
 1953 intent to deliver drug paraphernalia, knowing, or under  
 1954 circumstances where one reasonably should know, that it will be  
 1955 used:

1956 (a) To plant, propagate, cultivate, grow, harvest,  
 1957 manufacture, compound, convert, produce, process, prepare, test,  
 1958 analyze, pack, repack, store, contain, or conceal a controlled  
 1959 substance in violation of this act; or

1960 (b) To inject, ingest, inhale, or otherwise introduce into  
 1961 the human body a controlled substance in violation of this act.

1962  
 1963 Any person who violates this subsection is guilty of a felony of  
 1964 the third degree, punishable as provided in s. 775.082, s.  
 1965 775.083, or s. 775.084.

1966 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as  
 1967 provided in subsection (5), it is unlawful to use, possess with  
 1968 the intent to use, or manufacture with the intent to use drug  
 1969 paraphernalia, knowing or under circumstances in which one  
 1970 reasonably should know that it will be used to transport:

1971 (a) A controlled substance in violation of this chapter;  
 1972 or

1973 (b) Contraband as defined in s. 932.701(2)(a)1.

1974  
 1975 Any person who violates this subsection commits a felony of the

1976 | third degree, punishable as provided in s. 775.082, s. 775.083,  
 1977 | or s. 775.084.

1978 | (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

1979 | (a) A person 21 years of age or older may possess, use,  
 1980 | transport, or deliver, without consideration, to a person 21  
 1981 | years of age or older a marijuana delivery device, as defined in  
 1982 | s. 381.986.

1983 | (b) A person younger than 21 years of age who possesses,  
 1984 | uses, transports, or delivers, without consideration, to a  
 1985 | person 21 years of age or older a marijuana delivery device, as  
 1986 | defined in s. 381.986, commits a misdemeanor of the second  
 1987 | degree, punishable as provided in s. 775.082 or s. 775.083 for a  
 1988 | first conviction of a violation of this paragraph, and a  
 1989 | misdemeanor of the first degree, punishable as provided in s.  
 1990 | 775.082 or s. 775.083, for a second or subsequent conviction of  
 1991 | a violation of this paragraph.

1992 | Section 8. Section 943.0586, Florida Statutes, is created  
 1993 | to read:

1994 | 943.0586 Cannabis expunction.—

1995 | (1) DEFINITIONS.—As used in this section, the term:

1996 | (a) "Cannabis" has the same meaning as provided in chapter  
 1997 | 893.

1998 | (b) "Expunction" has the same meaning and effect as  
 1999 | provided in s. 943.0585.

2000 | (c) "Former s. 893.13, Florida Statutes 2022," is a



2001 reference to s. 893.13 as it existed at any time before January  
 2002 1, 2023

2003 (2) ELIGIBILITY.—Notwithstanding any other law, a person  
 2004 is eligible to petition a court to expunge a criminal history  
 2005 record for the conviction of former s. 893.13, Florida Statutes  
 2006 2022, if:

2007 (a) The person received a withholding of adjudication or  
 2008 adjudication of guilt for a violation of former 893.13, Florida  
 2009 Statutes 2022, for the possession of cannabis;

2010 (b) The person possessed 4.0 ounces or less of cannabis;  
 2011 and

2012 (c) The person is no longer under court supervision  
 2013 related to the disposition of arrest or alleged criminal  
 2014 activity to which the petition to expunge pertains.

2015 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
 2016 to expunge a criminal history record under this section, a  
 2017 person seeking to expunge a criminal history record must apply  
 2018 to the department for a certificate of eligibility for  
 2019 expunction. The department shall adopt rules to establish  
 2020 procedures for applying for and issuing a certificate of  
 2021 eligibility for expunction.

2022 (a) The department shall issue a certificate of  
 2023 eligibility for expunction to a person who is the subject of a  
 2024 criminal history record under this section, if that person:

2025 1. Satisfies the eligibility criteria in subsection (2);

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2026        2. Has submitted to the department a written certified  
2027 statement from the appropriate state attorney or statewide  
2028 prosecutor which confirms the criminal history record complies  
2029 with the criteria in subsection (2); and

2030        3. Has submitted to the department a certified copy of the  
2031 disposition of the charge to which the petition to expunge  
2032 pertains.

2033        (b) A certificate of eligibility for expunction is valid  
2034 for 12 months after the date of issuance stamped by the  
2035 department on the certificate. After that time, the petitioner  
2036 must reapply to the department for a new certificate of  
2037 eligibility. The petitioner's status and the law in effect at  
2038 the time of the renewal application determine the petitioner's  
2039 eligibility.

2040        (4) PETITION.—Each petition to expunge a criminal history  
2041 record must be accompanied by:

2042        (a) A valid certificate of eligibility issued by the  
2043 department.

2044        (b) The petitioner's sworn statement that he or she:

2045        1. Satisfies the eligibility requirements for expunction  
2046 in subsection (2); and

2047        2. Is eligible for expunction to the best of his or her  
2048 knowledge.

2049        (5) PENALTIES.—A person who knowingly provides false  
2050 information on his or her sworn statement submitted with a

2051 petition to expunge commits a felony of the third degree,  
 2052 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2053 (6) COURT AUTHORITY.—

2054 (a) The courts of this state have jurisdiction over their  
 2055 own procedures, including the maintenance, expunction, and  
 2056 correction of judicial records containing criminal history  
 2057 information to the extent that such procedures are not  
 2058 inconsistent with the conditions, responsibilities, and duties  
 2059 established by this section.

2060 (b) A court of competent jurisdiction shall order a  
 2061 criminal justice agency to expunge the criminal history record  
 2062 of a person who complies with this section. The court may not  
 2063 order a criminal justice agency to expunge a criminal history  
 2064 record under this section until the person seeking to expunge a  
 2065 criminal history record has applied for and received a  
 2066 certificate of eligibility under subsection (3).

2067 (c) Expunction granted under this section does not prevent  
 2068 the person who receives such relief from petitioning for the  
 2069 expunction or sealing of a later criminal history record as  
 2070 provided for in ss. 943.0583, 943.0585, and 943.059, if the  
 2071 person is otherwise eligible under those sections.

2072 (7) PROCESSING OF A PETITION OR AN ORDER.—

2073 (a) In judicial proceedings under this section, a copy of  
 2074 the completed petition to expunge must be served upon the  
 2075 appropriate state attorney or the statewide prosecutor and upon

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2076 the arresting agency; however, it is not necessary to make any  
2077 agency other than the state a party. The appropriate state  
2078 attorney or the statewide prosecutor and the arresting agency  
2079 may respond to the court regarding the completed petition to  
2080 expunge.

2081 (b) If relief is granted by the court, the clerk of the  
2082 court shall certify copies of the order to the appropriate state  
2083 attorney or the statewide prosecutor and the arresting agency.  
2084 The arresting agency shall forward the order to any other agency  
2085 to which the arresting agency disseminated the criminal history  
2086 record information to which the order pertains. The department  
2087 shall forward the order to expunge to the Federal Bureau of  
2088 Investigation. The clerk of the court shall certify a copy of  
2089 the order to any other agency that the records of the court  
2090 reflect has received the criminal history record from the court.

2091 (c) The department or any other criminal justice agency is  
2092 not required to act on an order to expunge entered by a court if  
2093 such order does not meet the requirements of this section. Upon  
2094 receipt of such an order, the department shall notify the  
2095 issuing court, the appropriate state attorney or statewide  
2096 prosecutor, the petitioner or the petitioner's attorney, and the  
2097 arresting agency of the reason for noncompliance. The  
2098 appropriate state attorney or statewide prosecutor shall take  
2099 action within 60 days to correct the record and petition the  
2100 court to void the order. No cause of action, including contempt

2101 of court, may arise against any criminal justice agency for  
 2102 failure to comply with an order to expunge if the petitioner for  
 2103 such order failed to obtain the certificate of eligibility as  
 2104 required by this section or such order does not otherwise meet  
 2105 the requirements of this section.

2106 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2107 (a) The person who is the subject of a criminal history  
 2108 record that is expunged under this section may lawfully deny or  
 2109 fail to acknowledge the arrests and convictions covered by the  
 2110 expunged record, except if the person who is the subject of the  
 2111 record:

2112 1. Is a candidate for employment with a criminal justice  
 2113 agency;

2114 2. Is a defendant in a criminal prosecution;

2115 3. Concurrently or subsequently petitions for relief under  
 2116 this section, s. 943.0583, s. 943.0585, or s. 943.059;

2117 4. Is a candidate for admission to The Florida Bar;

2118 5. Is seeking to be employed or licensed by or to contract  
 2119 with the Department of Children and Families, the Division of  
 2120 Vocational Rehabilitation within the Department of Education,  
 2121 the Agency for Health Care Administration, the Agency for  
 2122 Persons with Disabilities, the Department of Health, the  
 2123 Department of Elderly Affairs, or the Department of Juvenile  
 2124 Justice or to be employed or used by such contractor or licensee  
 2125 in a sensitive position having direct contact with children,

2126 persons with disabilities, or the elderly;

2127 6. Is seeking to be employed or licensed by the Department  
 2128 of Education, any district school board, any university  
 2129 laboratory school, any charter school, any private or parochial  
 2130 school, or any local governmental entity that licenses child  
 2131 care facilities;

2132 7. Is seeking to be licensed by the Division of Insurance  
 2133 Agent and Agency Services within the Department of Financial  
 2134 Services; or

2135 8. Is seeking to be appointed as a guardian pursuant to s.  
 2136 744.3125.

2137 (b) A person who has been granted an expunction under this  
 2138 section and who is authorized under paragraph (a) to lawfully  
 2139 deny or fail to acknowledge the arrests and convictions covered  
 2140 by an expunged record may not be held under any law of this  
 2141 state to have committed perjury or to be otherwise liable for  
 2142 giving a false statement by reason of his or her failure to  
 2143 recite or acknowledge an expunged criminal history record.

2144 Section 9. Section 893.15, Florida Statutes, is amended to  
 2145 read:

2146 893.15 Rehabilitation.—Any person who violates s.  
 2147 893.13(6) (a) ~~or (b)~~ relating to possession may, in the  
 2148 discretion of the trial judge, be required to participate in a  
 2149 substance abuse services program approved or regulated by the  
 2150 Department of Children and Families pursuant to the provisions

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2151 of chapter 397, provided the director of such program approves  
2152 the placement of the defendant in such program. Such required  
2153 participation shall be imposed in addition to any penalty or  
2154 probation otherwise prescribed by law. However, the total time  
2155 of such penalty, probation, and program participation shall not  
2156 exceed the maximum length of sentence possible for the offense.

2157 Section 10. Except as otherwise expressly provided in this  
2158 act and except for this section, which shall take effect upon  
2159 becoming a law, this act shall take effect January 1, 2023.