

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Learned offered the following:

Amendment to Amendment (816737) (with title amendment)

Remove lines 140-242 and insert:

Section 4. Paragraphs (e) through (h) of subsection (14) of section 381.986, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, paragraphs (b) and (e) of subsection (8) are amended, and a new paragraph (e) is added to subsection (14) and paragraph (p) is added to subsection (1) of that section, to read:

381.986 Medical use of marijuana.—

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

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13 (p) "Dispense" means the act of selling, delivering, or
14 otherwise transferring marijuana or a marijuana delivery device
15 to a patient or caregiver.

16 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

17 (b) An applicant for licensure as a medical marijuana
18 treatment center shall apply to the department on a form
19 prescribed by the department and adopted in rule. The department
20 shall adopt rules pursuant to ss. 120.536(1) and 120.54
21 establishing a procedure for the issuance and biennial renewal
22 of licenses, including initial application and biennial renewal
23 fees sufficient to cover the costs of implementing and
24 administering this section, and establishing supplemental
25 licensure fees for payment beginning May 1, 2018, sufficient to
26 cover the costs of administering ss. 381.989 and 1004.4351. The
27 department shall identify applicants with strong diversity plans
28 reflecting this state's commitment to diversity and implement
29 training programs and other educational programs to enable
30 minority persons and minority business enterprises, as defined
31 in s. 288.703, and veteran business enterprises, as defined in
32 s. 295.187, to compete for medical marijuana treatment center
33 licensure and contracts. Subject to the requirements in
34 subparagraphs (a)2.-4., the department shall issue a license to
35 an applicant if the applicant meets the requirements of this
36 section and pays the initial application fee. The department
37 shall renew the licensure of a medical marijuana treatment

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38 center biennially if the licensee meets the requirements of this
39 section and pays the biennial renewal fee. However, the
40 department may not renew the license of a medical marijuana
41 treatment center that has not begun to cultivate, process, and
42 dispense marijuana by the date that the medical marijuana
43 treatment center is required to renew its license. An individual
44 may not be an applicant, owner, officer, board member, or
45 manager on more than one application for licensure as a medical
46 marijuana treatment center. An individual or entity may not be
47 awarded more than one license as a medical marijuana treatment
48 center. An applicant for licensure as a medical marijuana
49 treatment center must demonstrate:

50 1. That, for the 5 consecutive years before submitting the
51 application, the applicant has been registered to do business in
52 the state.

53 2. Possession of a valid certificate of registration
54 issued by the Department of Agriculture and Consumer Services
55 pursuant to s. 581.131.

56 3. The technical and technological ability to cultivate
57 and produce marijuana, including, but not limited to, low-THC
58 cannabis.

59 4. The ability to secure the premises, resources, and
60 personnel necessary to operate as a medical marijuana treatment
61 center.

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62 5. The ability to maintain accountability of all raw
63 materials, finished products, and any byproducts to prevent
64 diversion or unlawful access to or possession of these
65 substances.

66 6. An infrastructure reasonably located to dispense
67 marijuana to registered qualified patients statewide or
68 regionally as determined by the department.

69 7. The financial ability to maintain operations for the
70 duration of the 2-year approval cycle, including the provision
71 of certified financial statements to the department.

72 a. Upon approval, the applicant must post a \$5 million
73 performance bond issued by an authorized surety insurance
74 company rated in one of the three highest rating categories by a
75 nationally recognized rating service. However, a medical
76 marijuana treatment center serving at least 1,000 qualified
77 patients is only required to maintain a \$2 million performance
78 bond.

79 b. In lieu of the performance bond required under sub-
80 subparagraph a., the applicant may provide an irrevocable letter
81 of credit payable to the department or provide cash to the
82 department. If provided with cash under this sub-subparagraph,
83 the department shall deposit the cash in the Grants and
84 Donations Trust Fund within the Department of Health, subject to
85 the same conditions as the bond regarding requirements for the
86 applicant to forfeit ownership of the funds. If the funds

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87 deposited under this sub-subparagraph generate interest, the
88 amount of that interest shall be used by the department for the
89 administration of this section.

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

92 9. The employment of a medical director to supervise the
93 activities of the medical marijuana treatment center.

94 10. A diversity plan that promotes and ensures the
95 involvement of minority persons and minority business
96 enterprises, as defined in s. 288.703, or veteran business
97 enterprises, as defined in s. 295.187, in ownership, management,
98 and employment. An applicant for licensure renewal must show the
99 effectiveness of the diversity plan by including the following
100 with his or her application for renewal:

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

103 b. Efforts to recruit minority persons and veterans for
104 employment; and

105 c. A record of contracts for services with minority
106 business enterprises and veteran business enterprises.

107 (e) A licensed medical marijuana treatment center shall
108 cultivate, process, transport, and dispense marijuana for
109 medical use. A licensed medical marijuana treatment center may
110 not contract for services directly related to the cultivation,
111 processing, and dispensing of marijuana or marijuana delivery

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112 devices, except that a medical marijuana treatment center may
 113 contract for services to assist the licensed medical marijuana
 114 treatment center with receiving and managing orders for
 115 marijuana or marijuana delivery devices if the actual dispensing
 116 is completed by the licensed medical marijuana treatment center,
 117 and a medical marijuana treatment center

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

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Remove lines 1817-1838 and insert:

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shelters; amending s. 381.986, F.S.; authorizing certain

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applicants for medical marijuana treatment center licenses

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to transfer their initial application fee to one subsequent

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opportunity to apply for licensure under certain

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circumstances; defining the term "dispense"; prohibiting

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the department from renewing a medical marijuana treatment

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center's license under certain circumstances; authorizing

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the department to select samples of marijuana from medical

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marijuana treatment center facilities for certain testing;

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authorizing the department to select samples of marijuana

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delivery devices from medical marijuana treatment centers

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to determine whether such devices are safe for use;

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requiring the department to adopt certain rules using

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negotiated rulemaking procedures; requiring medical

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marijuana treatment centers to recall marijuana and

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137 marijuana delivery devices, instead of just edibles, under
138 certain circumstances; exempting the department and its
139 employees from criminal provisions if they acquire,
140 possess, test, transport, or lawfully dispose of marijuana
141 and marijuana delivery devices under certain circumstances;
142 authorizing a medical marijuana treatment center to
143 contract for services to assist the licensed medical
144 marijuana treatment center with receiving and managing
145 orders for marijuana or marijuana delivery devices under
146 certain circumstances; amending s. 381.99, F.S.;

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