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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/03/2022 05:14 PM

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Senator Brandes moved the following:

Senate Amendment (with directory and title amendments)

Between lines 243 and 244

insert:

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and



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

38 1. That, for the 5 consecutive years before submitting the
39 application, the applicant has been registered to do business in
40 the state.



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41 2. Possession of a valid certificate of registration issued
42 by the Department of Agriculture and Consumer Services pursuant
43 to s. 581.131.

44 3. The technical and technological ability to cultivate and
45 produce marijuana, including, but not limited to, low-THC
46 cannabis.

47 4. The ability to secure the premises, resources, and
48 personnel necessary to operate as a medical marijuana treatment
49 center.

50 5. The ability to maintain accountability of all raw
51 materials, finished products, and any byproducts to prevent
52 diversion or unlawful access to or possession of these
53 substances.

54 6. An infrastructure reasonably located to dispense
55 marijuana to registered qualified patients statewide or
56 regionally as determined by the department.

57 7. The financial ability to maintain operations for the
58 duration of the 2-year approval cycle, including the provision
59 of certified financial statements to the department.

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

67 b. In lieu of the performance bond required under sub-
68 subparagraph a., the applicant may provide an irrevocable letter
69 of credit payable to the department or provide cash to the



70 department. If provided with cash under this sub-subparagraph,
71 the department shall deposit the cash in the Grants and
72 Donations Trust Fund within the Department of Health, subject to
73 the same conditions as the bond regarding requirements for the
74 applicant to forfeit ownership of the funds. If the funds
75 deposited under this sub-subparagraph generate interest, the
76 amount of that interest shall be used by the department for the
77 administration of this section.

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

80 9. The employment of a medical director to supervise the
81 activities of the medical marijuana treatment center.

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

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

91 b. Efforts to recruit minority persons and veterans for
92 employment; and

93 c. A record of contracts for services with minority
94 business enterprises and veteran business enterprises.

95
96 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

97 And the directory clause is amended as follows:

98 Delete lines 240 - 241



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99 and insert:
100 added to that subsection, and paragraphs (b) and (e) of
101 subsection (8) of that section are amended, to read:
102
103 ===== T I T L E A M E N D M E N T =====
104 And the title is amended as follows:
105 Delete line 23
106 and insert:
107 licensure under certain circumstances; prohibiting the
108 department from renewing a medical marijuana treatment
109 center's license under certain circumstances;
110 authorizing the