

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the availability of marijuana for
3 adult use; amending s. 212.08, F.S.; revising the
4 sales tax exemption for the sale of marijuana and
5 marijuana delivery devices to apply only to purchases
6 by qualified patients and caregivers; amending s.
7 381.986, F.S.; revising definitions; revising
8 background screening requirements for caregivers;
9 revising provisions related to the licensure and
10 functions of medical marijuana treatment centers
11 (MMTCs); requiring the Department of Health to adopt
12 by rule certain standards and procedures; requiring
13 the department to adopt by rule a certain MMTC
14 registration form; specifying registration
15 requirements; providing that a registration expires
16 after a specified time; requiring an MMTC to obtain
17 separate operating licenses to perform certain
18 operations; specifying application requirements for
19 MMTCs to obtain cultivation licenses and processing
20 licenses; providing for the expiration of and renewal
21 of such licenses; requiring an MMTC to obtain a
22 facility permit before cultivating or processing
23 marijuana in the facility; authorizing MMTCs licensed
24 to cultivate or process marijuana to use contractors
25 to assist with the cultivation and processing of
26 marijuana under certain conditions; requiring work
27 done by the contractors to be at permitted facilities;
28 requiring the contractors to register principals and
29 employees; providing for the destruction of certain

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

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59 administration of marijuana at a dispensing facility;
60 revising requirements for the dispensing of marijuana;
61 requiring a licensed retail MMTC to include specified
62 information on the label for marijuana or a marijuana
63 delivery device dispensed to a qualified patient or
64 caregiver; authorizing an MMTC to sell marijuana to an
65 adult 21 years of age or older under certain
66 circumstances; requiring MMTC employees to verify the
67 age of such buyers using specified methods;
68 prohibiting an MMTC from requesting or storing any
69 personal information of a buyer other than that needed
70 to verify the buyer's age; deleting a provision
71 prohibiting an MMTC from dispensing or selling
72 specified products; revising safety and security
73 requirements for MMTCs; providing application
74 requirements for an MMTC to obtain a transportation
75 license; providing marijuana transportation
76 requirements; prohibiting the transportation of
77 marijuana on certain properties; prohibiting the
78 transportation of marijuana in a vehicle that is not
79 owned or leased by a licensee or the licensee's
80 contractor and not appropriately permitted by the
81 department; providing a process for the issuance and
82 cancellation of vehicle permits; requiring MMTCs to
83 designate a registered employee or contract employee
84 as the driver for each permitted vehicle; requiring
85 the designation to be displayed in the vehicle at all
86 times; requiring that each permitted vehicle be GPS-
87 monitored; specifying that a permitted vehicle

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88 transporting marijuana is subject to inspection and
89 search without a search warrant by specified persons;
90 authorizing an MMTC licensed to transport marijuana
91 and marijuana delivery devices to deliver or contract
92 for the delivery of marijuana and marijuana delivery
93 devices to other MMTCs within this state, to qualified
94 patients and caregivers within this state, and to
95 adults 21 years of age or older within this state;
96 establishing that a county or municipality may not
97 prohibit deliveries of marijuana or marijuana delivery
98 devices to qualified patients and caregivers within
99 the county or municipality; requiring an MMTC
100 delivering marijuana or a marijuana delivery device to
101 a qualified patient or his or her caregiver to verify
102 the identity of the qualified patient; requiring an
103 MMTC delivering marijuana to an adult 21 years of age
104 or older to verify his or her age; requiring the
105 department to adopt certain rules for the delivery of
106 marijuana; authorizing MMTCs to use contractors to
107 assist with the transportation of marijuana;
108 specifying that an MMTC is responsible for a
109 contractor's actions and operations related to the
110 transportation of marijuana; requiring an MMTC to know
111 the location of all of its marijuana products at all
112 times; requiring principals and employees of a
113 contractor to register with the department and receive
114 an MMTC employee identification card before
115 participating in the operations of an MMTC; providing
116 for the permitting of cultivation, processing,

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117 dispensing, and storage facilities; requiring the
118 department to adopt by rule a facility permit
119 application form; requiring the department to inspect
120 a facility before issuing a permit; requiring the
121 department to issue or deny a facility permit within a
122 specified timeframe; providing for the expiration of
123 facility permits; requiring the department to inspect
124 a facility for compliance before the renewal of a
125 facility permit; requiring an MMTC to cease applicable
126 operations if a facility's permit expires or is
127 suspended or revoked; requiring cultivation facilities
128 and processing facilities to be insured with specified
129 hazard and liability insurance; providing cultivation
130 facility and processing facility requirements;
131 preempting to the state all matters regarding the
132 permitting and regulation of cultivation facilities
133 and processing facilities; requiring dispensing
134 facilities and storage facilities to be insured with
135 specified hazard and liability insurance; providing
136 dispensing facility and storage facility requirements;
137 clarifying that the governing body of a county or a
138 municipality may prohibit or limit the number of
139 dispensing facilities located within its jurisdiction
140 but may not prohibit a licensed retail MMTC or its
141 permitted storage facility from being located in such
142 county's or municipality's jurisdiction if the MMTC is
143 delivering marijuana to qualified patients in that
144 jurisdiction; prohibiting the department from issuing
145 a facility permit for a dispensing facility in a

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146 county or municipality that adopts a specified
147 ordinance; authorizing a county or municipality to
148 levy a local tax on a dispensing facility; providing
149 that local ordinances may not result in or provide for
150 certain outcomes; authorizing the department to adopt
151 specified requirements by rule; requiring the
152 department to adopt rules to administer the
153 registration of certain MMTC principals, employees,
154 and contractors; requiring an MMTC to apply to the
155 department for the registration of certain persons
156 before hiring or contracting with any such persons;
157 requiring the department to adopt by rule a
158 registration form that includes specified information;
159 requiring the department to register persons who
160 satisfy specified conditions and issue them MMTC
161 employee identification cards; requiring a registered
162 person and the MMTC to update the department within a
163 specified timeframe if certain information or the
164 person's employment status changes; authorizing the
165 department to contract with vendors to issue MMTC
166 employee identification cards; requiring the
167 department to inspect an MMTC and its facilities upon
168 receipt of a complaint and to inspect each permitted
169 facility at least biennially; authorizing the
170 department to conduct additional inspections of a
171 facility under certain circumstances; authorizing the
172 department to suspend, revoke, or refuse to renew an
173 MMTC's registration, operating licenses, vehicle
174 permits, or facility permits for violating certain

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175 provisions; requiring the department to refuse to
176 renew an MMTC's cultivation, processing, retail, or
177 transportation license under certain circumstances;
178 revising provisions related to penalties and fees to
179 conform to changes made by the act; providing
180 applicability; deleting obsolete language; creating s.
181 381.990, F.S.; authorizing a person 21 years of age or
182 older to purchase marijuana products, marijuana in a
183 form for smoking, and marijuana delivery devices under
184 certain circumstances; providing that such products be
185 purchased from an MMTC licensed by the department for
186 the retail sale of marijuana and registered with the
187 Department of Business and Professional Regulation for
188 sale of marijuana for adult use; providing penalties;
189 authorizing a person 21 years of age or older to
190 possess, use, transport, or transfer to another person
191 21 years of age or older marijuana products, marijuana
192 in a form for smoking, and marijuana delivery devices
193 under certain circumstances; providing limitations and
194 penalties; clarifying that a private property owner
195 may restrict the smoking or vaping of marijuana on his
196 or her property but a landlord may not prevent his or
197 her tenants from possessing or using marijuana by
198 other means; providing that certain provisions do not
199 exempt a person from prosecution for a criminal
200 offense related to impairment or intoxication
201 resulting from the use of marijuana and do not relieve
202 a person from any legal requirement to submit to
203 certain tests to detect the presence of a controlled

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204 substance; requiring the Department of Agriculture and
205 Consumer Services to conduct a study on the harms and
206 benefits of allowing the cultivation of marijuana by
207 members of the public for private use, including use
208 of a specified model; requiring the department to
209 report the results of the study to the Governor and
210 the Legislature by a specified date; amending s.
211 893.13, F.S.; authorizing a person 21 years of age or
212 older to deliver marijuana products to another person
213 21 years of age or older and to possess marijuana
214 products in a specified amount under certain
215 circumstances; providing criminal penalties for the
216 delivery or possession of marijuana products by a
217 person younger than 21 years of age under certain
218 circumstances; creating s. 893.1352, F.S.; providing
219 legislative intent; providing for the retroactive
220 applicability of s. 893.13, F.S.; requiring certain
221 sentences for specified offenses; requiring sentence
222 review hearings for individuals serving certain
223 sentences for specified crimes, if requested;
224 providing requirements for sentence review and
225 resentencing; requiring the waiver of certain
226 conviction-related fines, fees, and costs under
227 certain circumstances; amending s. 893.147, F.S.;
228 authorizing a person 21 years of age or older to
229 possess, use, transport, or deliver, without
230 consideration, a marijuana delivery device to a person
231 21 years of age or older; providing criminal penalties
232 for the possession, use, transport, or delivery,

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233 without consideration, of a marijuana delivery device
234 by a person younger than 21 years of age under certain
235 circumstances; creating s. 943.0586, F.S.; defining
236 terms; authorizing an individual convicted of certain
237 crimes to petition the court for expunction of his or
238 her criminal history record under specified
239 circumstances; requiring such individual to first
240 obtain a certificate of eligibility for expunction
241 from the Department of Law Enforcement; requiring the
242 department to adopt rules establishing the procedures
243 for applying for and issuing such certificates;
244 requiring the department to issue a certificate of
245 eligibility for expunction under specified
246 circumstances; providing for the expiration of and
247 reapplication for such certificate; providing
248 requirements for the petition for expunction;
249 providing criminal penalties; providing for the
250 court's authority over its own procedures, with an
251 exception; requiring the court to order the expunction
252 of a criminal history record under certain
253 circumstances; clarifying that expunction of certain
254 criminal history records does not affect eligibility
255 for expunction of other criminal history records;
256 providing requirements for processing expunction
257 petitions and orders; providing that a person granted
258 an expunction may lawfully deny or fail to acknowledge
259 the underlying arrest or conviction, with exceptions;
260 providing that a person may not be deemed to have
261 committed perjury or otherwise held liable for giving

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262 a false statement if he or she fails to recite or
263 acknowledge an expunged criminal history record;
264 amending s. 893.15, F.S.; conforming a provision to
265 changes made by the act; providing effective dates.
266

267 Be It Enacted by the Legislature of the State of Florida:
268

269 Section 1. Paragraph (1) of subsection (2) of section
270 212.08, Florida Statutes, is amended to read:

271 212.08 Sales, rental, use, consumption, distribution, and
272 storage tax; specified exemptions.—The sale at retail, the
273 rental, the use, the consumption, the distribution, and the
274 storage to be used or consumed in this state of the following
275 are hereby specifically exempt from the tax imposed by this
276 chapter.

277 (2) EXEMPTIONS; MEDICAL.—

278 (1) Marijuana and marijuana delivery devices, as defined in
279 s. 381.986, are exempt from the taxes imposed under this chapter
280 if they are purchased by a qualified patient or a caregiver, as
281 those terms are defined in s. 381.986.

282 Section 2. Paragraphs (d) through (h), (j), and (k) of
283 subsection (1), paragraph (b) of subsection (3), paragraph (f)
284 of subsection (4), paragraphs (a) and (f) of subsection (5),
285 paragraph (b) of subsection (6), subsections (8) through (12),
286 paragraphs (a), (b), (c), and (e) of subsection (14), and
287 subsection (17) of section 381.986, Florida Statutes, are
288 amended to read:

289 381.986 Medical use of marijuana.—

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

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291 (d) "Edibles" means commercially produced food items made
292 with marijuana oil, but no other form of marijuana, which ~~that~~
293 are produced and dispensed by a medical marijuana treatment
294 center (MMTC).

295 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
296 the dried flowers of which contain 0.8 percent or less of
297 tetrahydrocannabinol and more than 10 percent of cannabidiol
298 weight for weight; the seeds thereof; the resin extracted from
299 any part of such plant; or any compound, manufacture, salt,
300 derivative, mixture, or preparation of such plant or its seeds
301 or resin which ~~that~~ is dispensed from an MMTC ~~a medical~~
302 ~~marijuana treatment center~~.

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

310 (g) "Marijuana delivery device" means an object used,
311 intended for use, or designed for use in preparing, storing,
312 ingesting, inhaling, or otherwise introducing marijuana into the
313 human body, ~~and~~ which object is dispensed from an MMTC ~~a medical~~
314 ~~marijuana treatment center~~ for medical use by a qualified
315 patient; however, such objects that are ~~except that delivery~~
316 ~~devices~~ intended solely for the medical use of marijuana by
317 smoking need not be dispensed from an MMTC and ~~a medical~~
318 ~~marijuana treatment center in order to~~ qualify as marijuana
319 delivery devices.

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320 (h) "Marijuana testing laboratory" means a facility
321 certified by the department pursuant to s. 381.988 which that
322 collects and analyzes marijuana samples from an MMTC ~~a medical~~
323 ~~marijuana treatment center and has been certified by the~~
324 ~~department pursuant to s. 381.988.~~

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

328 1. Possession, use, or administration of marijuana that was
329 not purchased or acquired from an MMTC ~~a medical marijuana~~
330 ~~treatment center.~~

331 2. Possession, use, or administration of marijuana in the
332 form of commercially produced food items other than edibles or
333 of marijuana seeds.

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

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

340 5. Use or administration of marijuana in the following
341 locations:

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

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

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

348 d. In a state correctional institution, as defined in s.

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349 944.02, or a correctional institution, as defined in s. 944.241.

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

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

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

356 (k) "Physician certification" means a qualified physician's
357 authorization for a qualified patient to receive marijuana and a
358 marijuana delivery device from an MMTC ~~a medical marijuana~~
359 ~~treatment center~~.

360 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

361 (b) A qualified physician may not be employed by, or have
362 any direct or indirect economic interest in, a medical marijuana
363 treatment center (MMTC) or marijuana testing laboratory.

364 (4) PHYSICIAN CERTIFICATION.—

365 (f) A qualified physician may not issue a physician
366 certification for more than three 70-day supply limits of
367 marijuana or more than six 35-day supply limits of marijuana in
368 a form for smoking. The department shall quantify by rule a
369 daily dose amount with equivalent dose amounts for each
370 allowable form of marijuana dispensed by a medical marijuana
371 treatment center (MMTC). The department shall use the daily dose
372 amount to calculate a 70-day supply.

373 1. A qualified physician may request an exception to the
374 daily dose amount limit, the 35-day supply limit of marijuana in
375 a form for smoking, and the 4-ounce possession limit of
376 marijuana in a form for smoking established in paragraph
377 (14) (a). The request shall be made electronically on a form

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378 adopted by the department in rule and must include, at a
379 minimum:

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

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

383 c. A description of how the patient will benefit from an
384 increased amount.

385 d. The minimum daily dose amount of marijuana that would be
386 sufficient for the treatment of the qualified patient's
387 qualifying medical condition.

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

390 3. The department shall approve or disapprove the request
391 within 14 days after receipt of the complete documentation
392 required by this paragraph. The request shall be deemed approved
393 if the department fails to act within this time period.

394 (5) MEDICAL MARIJUANA USE REGISTRY.—

395 (a) The department shall create and maintain a secure,
396 electronic, and online medical marijuana use registry for
397 physicians, patients, and caregivers as provided under this
398 section. The medical marijuana use registry must be accessible
399 to law enforcement agencies, qualified physicians, and medical
400 marijuana treatment centers (MMTCs) to verify the authorization
401 of a qualified patient or a caregiver to possess marijuana or a
402 marijuana delivery device and record the marijuana or marijuana
403 delivery device dispensed. The medical marijuana use registry
404 must also be accessible to practitioners licensed to prescribe
405 prescription drugs to ensure proper care for patients before
406 medications that may interact with the medical use of marijuana

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407 are prescribed. The medical marijuana use registry must prevent
408 an active registration of a qualified patient by multiple
409 physicians.

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

414 (6) CAREGIVERS.—

415 (b) A caregiver must:

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

419 2. Be 21 years of age or older and a resident of this
420 state.

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

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

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

430 6. Pass a level 2 background screening pursuant to chapter
431 435 ~~subsection (9)~~, unless the patient is a close relative of
432 the caregiver. In addition to the disqualifying offenses
433 specified in s. 435.04(2) and (3), a person may not serve as a
434 caregiver if he or she has an arrest awaiting final disposition
435 for; has been found guilty of, regardless of adjudication; or

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436 has entered a plea of nolo contendere or guilty to an offense
437 under chapter 837, chapter 895, or chapter 896 or a similar law
438 of another jurisdiction.

439 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

440 (a) ~~The department shall license medical marijuana~~
441 ~~treatment centers to ensure reasonable statewide accessibility~~
442 ~~and availability as necessary for qualified patients registered~~
443 ~~in the medical marijuana use registry and who are issued a~~
444 ~~physician certification under this section.~~

445 ~~1. As soon as practicable, but no later than July 3, 2017,~~
446 ~~the department shall license as a medical marijuana treatment~~
447 ~~center any entity that holds an active, unrestricted license to~~
448 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
449 ~~medical cannabis, and cannabis delivery devices, under former s.~~
450 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
451 ~~meets the requirements of this section. In addition to the~~
452 ~~authority granted under this section, these entities are~~
453 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
454 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
455 ~~Florida Statutes 2016, which were entered into the compassionate~~
456 ~~use registry before July 1, 2017, and are authorized to begin~~
457 ~~dispensing marijuana under this section on July 3, 2017. The~~
458 ~~department may grant variances from the representations made in~~
459 ~~such an entity's original application for approval under former~~
460 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (c).~~

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

464 ~~a. As soon as practicable, but no later than August 1,~~

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465 ~~2017, the department shall license any applicant whose~~
466 ~~application was reviewed, evaluated, and scored by the~~
467 ~~department and which was denied a dispensing organization~~
468 ~~license by the department under former s. 381.986, Florida~~
469 ~~Statutes 2014; which had one or more administrative or judicial~~
470 ~~challenges pending as of January 1, 2017, or had a final ranking~~
471 ~~within one point of the highest final ranking in its region~~
472 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
473 ~~requirements of this section; and which provides documentation~~
474 ~~to the department that it has the existing infrastructure and~~
475 ~~technical and technological ability to begin cultivating~~
476 ~~marijuana within 30 days after registration as a medical~~
477 ~~marijuana treatment center.~~

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

484 ~~e. As soon as practicable, but no later than October 3,~~
485 ~~2017, the department shall license applicants that meet the~~
486 ~~requirements of this section in sufficient numbers to result in~~
487 ~~10 total licenses issued under this subparagraph, while~~
488 ~~accounting for the number of licenses issued under sub-~~
489 ~~subparagraphs a. and b.~~

490 ~~3. For up to two of the licenses issued under subparagraph~~
491 ~~2., the department shall give preference to applicants that~~
492 ~~demonstrate in their applications that they own one or more~~
493 ~~facilities that are, or were, used for the canning,~~

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494 ~~concentrating, or otherwise processing of citrus fruit or citrus~~
495 ~~molasses and will use or convert the facility or facilities for~~
496 ~~the processing of marijuana.~~

497 ~~4. Within 6 months after the registration of 100,000 active~~
498 ~~qualified patients in the medical marijuana use registry, the~~
499 ~~department shall license four additional medical marijuana~~
500 ~~treatment centers that meet the requirements of this section.~~
501 ~~Thereafter, the department shall license four medical marijuana~~
502 ~~treatment centers within 6 months after the registration of each~~
503 ~~additional 100,000 active qualified patients in the medical~~
504 ~~marijuana use registry that meet the requirements of this~~
505 ~~section.~~

506 ~~5. Dispensing facilities are subject to the following~~
507 ~~requirements:~~

508 ~~a. A medical marijuana treatment center may not establish~~
509 ~~or operate more than a statewide maximum of 25 dispensing~~
510 ~~facilities, unless the medical marijuana use registry reaches a~~
511 ~~total of 100,000 active registered qualified patients. When the~~
512 ~~medical marijuana use registry reaches 100,000 active registered~~
513 ~~qualified patients, and then upon each further instance of the~~
514 ~~total active registered qualified patients increasing by~~
515 ~~100,000, the statewide maximum number of dispensing facilities~~
516 ~~that each licensed medical marijuana treatment center may~~
517 ~~establish and operate increases by five.~~

518 ~~b. A medical marijuana treatment center may not establish~~
519 ~~more than the maximum number of dispensing facilities allowed in~~
520 ~~each of the Northwest, Northeast, Central, Southwest, and~~
521 ~~Southeast Regions. The department shall determine a medical~~
522 ~~marijuana treatment center's maximum number of dispensing~~

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523 ~~facilities allowed in each region by calculating the percentage~~
524 ~~of the total statewide population contained within that region~~
525 ~~and multiplying that percentage by the medical marijuana~~
526 ~~treatment center's statewide maximum number of dispensing~~
527 ~~facilities established under sub-subparagraph a., rounded to the~~
528 ~~nearest whole number. The department shall ensure that such~~
529 ~~rounding does not cause a medical marijuana treatment center's~~
530 ~~total number of statewide dispensing facilities to exceed its~~
531 ~~statewide maximum. The department shall initially calculate the~~
532 ~~maximum number of dispensing facilities allowed in each region~~
533 ~~for each medical marijuana treatment center using county~~
534 ~~population estimates from the Florida Estimates of Population~~
535 ~~2016, as published by the Office of Economic and Demographic~~
536 ~~Research, and shall perform recalculations following the~~
537 ~~official release of county population data resulting from each~~
538 ~~United States Decennial Census. For the purposes of this~~
539 ~~subparagraph:~~

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

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

548 ~~(III) The Central Region consists of Brevard, Citrus,~~
549 ~~Hardee, Hernando, Indian River, Lake, Orange, Oseecola, Pasco,~~
550 ~~Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia~~
551 ~~Counties.~~

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

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

557 ~~e. If a medical marijuana treatment center establishes a~~
558 ~~number of dispensing facilities within a region that is less~~
559 ~~than the number allowed for that region under sub-subparagraph~~
560 ~~b., the medical marijuana treatment center may sell one or more~~
561 ~~of its unused dispensing facility slots to other licensed~~
562 ~~medical marijuana treatment centers. For each dispensing~~
563 ~~facility slot that a medical marijuana treatment center sells,~~
564 ~~that medical marijuana treatment center's statewide maximum~~
565 ~~number of dispensing facilities, as determined under sub-~~
566 ~~subparagraph a., is reduced by one. The statewide maximum number~~
567 ~~of dispensing facilities for a medical marijuana treatment~~
568 ~~center that purchases an unused dispensing facility slot is~~
569 ~~increased by one per slot purchased. Additionally, the sale of a~~
570 ~~dispensing facility slot shall reduce the seller's regional~~
571 ~~maximum and increase the purchaser's regional maximum number of~~
572 ~~dispensing facilities, as determined in sub-subparagraph b., by~~
573 ~~one for that region. For any slot purchased under this sub-~~
574 ~~subparagraph, the regional restriction applied to that slot's~~
575 ~~location under sub-subparagraph b. before the purchase shall~~
576 ~~remain in effect following the purchase. A medical marijuana~~
577 ~~treatment center that sells or purchases a dispensing facility~~
578 ~~slot must notify the department within 3 days of sale.~~

579 ~~d. This subparagraph shall expire on April 1, 2020.~~
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581 ~~If this subparagraph or its application to any person or~~
582 ~~circumstance is held invalid, the invalidity does not affect~~
583 ~~other provisions or applications of this act which can be given~~
584 ~~effect without the invalid provision or application, and to this~~
585 ~~end, the provisions of this subparagraph are severable.~~

586 ~~(b) An applicant for licensure as a medical marijuana~~
587 ~~treatment center shall apply to the department on a form~~
588 ~~prescribed by the department and adopted in rule. The department~~
589 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
590 ~~establishing a procedure for the issuance and biennial renewal~~
591 ~~of licenses, including initial application and biennial renewal~~
592 ~~fees sufficient to cover the costs of implementing and~~
593 ~~administering this section, and establishing supplemental~~
594 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
595 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
596 ~~department shall identify applicants with strong diversity plans~~
597 ~~reflecting this state's commitment to diversity and implement~~
598 ~~training programs and other educational programs to enable~~
599 ~~minority persons and minority business enterprises, as defined~~
600 ~~in s. 288.703, and veteran business enterprises, as defined in~~
601 ~~s. 295.187, to compete for medical marijuana treatment center~~
602 ~~licensure and contracts. Subject to the requirements in~~
603 ~~subparagraphs (a)2. 4., the department shall issue a license to~~
604 ~~an applicant if the applicant meets the requirements of this~~
605 ~~section and pays the initial application fee. The department~~
606 ~~shall renew the licensure of a medical marijuana treatment~~
607 ~~center biennially if the licensee meets the requirements of this~~
608 ~~section and pays the biennial renewal fee. An individual may not~~
609 ~~be an applicant, owner, officer, board member, or manager on~~

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610 ~~more than one application for licensure as a medical marijuana~~
611 ~~treatment center. An individual or entity may not be awarded~~
612 ~~more than one license as a medical marijuana treatment center.~~
613 ~~An applicant for licensure as a medical marijuana treatment~~
614 ~~center must demonstrate:~~

615 ~~1. That, for the 5 consecutive years before submitting the~~
616 ~~application, the applicant has been registered to do business in~~
617 ~~the state.~~

618 ~~2. Possession of a valid certificate of registration issued~~
619 ~~by the Department of Agriculture and Consumer Services pursuant~~
620 ~~to s. 581.131.~~

621 ~~3. The technical and technological ability to cultivate and~~
622 ~~produce marijuana, including, but not limited to, low-THC~~
623 ~~cannabis.~~

624 ~~4. The ability to secure the premises, resources, and~~
625 ~~personnel necessary to operate as a medical marijuana treatment~~
626 ~~center.~~

627 ~~5. The ability to maintain accountability of all raw~~
628 ~~materials, finished products, and any byproducts to prevent~~
629 ~~diversion or unlawful access to or possession of these~~
630 ~~substances.~~

631 ~~6. An infrastructure reasonably located to dispense~~
632 ~~marijuana to registered qualified patients statewide or~~
633 ~~regionally as determined by the department.~~

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

637 ~~a. Upon approval, the applicant must post a \$5 million~~
638 ~~performance bond issued by an authorized surety insurance~~

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639 ~~company rated in one of the three highest rating categories by a~~
640 ~~nationally recognized rating service. However, a medical~~
641 ~~marijuana treatment center serving at least 1,000 qualified~~
642 ~~patients is only required to maintain a \$2 million performance~~
643 ~~bond.~~

644 ~~b. In lieu of the performance bond required under sub-~~
645 ~~subparagraph a., the applicant may provide an irrevocable letter~~
646 ~~of credit payable to the department or provide cash to the~~
647 ~~department. If provided with cash under this sub-subparagraph,~~
648 ~~the department shall deposit the cash in the Grants and~~
649 ~~Donations Trust Fund within the Department of Health, subject to~~
650 ~~the same conditions as the bond regarding requirements for the~~
651 ~~applicant to forfeit ownership of the funds. If the funds~~
652 ~~deposited under this sub-subparagraph generate interest, the~~
653 ~~amount of that interest shall be used by the department for the~~
654 ~~administration of this section.~~

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

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

659 ~~10. A diversity plan that promotes and ensures the~~
660 ~~involvement of minority persons and minority business~~
661 ~~enterprises, as defined in s. 288.703, or veteran business~~
662 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
663 ~~and employment. An applicant for licensure renewal must show the~~
664 ~~effectiveness of the diversity plan by including the following~~
665 ~~with his or her application for renewal:~~

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

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- 668 ~~b. Efforts to recruit minority persons and veterans for~~
669 ~~employment; and~~
- 670 ~~e. A record of contracts for services with minority~~
671 ~~business enterprises and veteran business enterprises.~~
- 672 ~~(c) A medical marijuana treatment center may not make a~~
673 ~~wholesale purchase of marijuana from, or a distribution of~~
674 ~~marijuana to, another medical marijuana treatment center, unless~~
675 ~~the medical marijuana treatment center seeking to make a~~
676 ~~wholesale purchase of marijuana submits proof of harvest failure~~
677 ~~to the department.~~
- 678 ~~(d) Department responsibilities.~~The department shall do
679 all of the following:
- 680 1. Adopt by rule all of the following:
- 681 a. Operating standards for the cultivation, processing,
682 packaging, and labeling of marijuana.
- 683 b. Standards for the sale of marijuana.
- 684 c. Procedures and requirements for all of the following:
- 685 (I) The registration and registration renewal of medical
686 marijuana treatment centers (MMTCs).
- 687 (II) The issuance and renewal of cultivation, processing,
688 retail, and transportation operating licenses.
- 689 (III) The issuance and renewal of cultivation, processing,
690 dispensing, and storage facility permits and vehicle permits.
- 691 (IV) The registration of all principals, employees, and
692 contractors of an MMTC who will participate in the operations of
693 the MMTC.
- 694 (V) The issuance of MMTC employee identification cards to
695 registered principals, employees, and contractors of MMTCs.
- 696 2. Establish, maintain, and control a computer software

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697 tracking system that traces marijuana from seed to sale and
698 allows real-time, 24-hour access by the department to data from
699 all MMTCs ~~medical marijuana treatment centers~~ and marijuana
700 testing laboratories. The tracking system must allow for
701 integration of other seed-to-sale systems and, at a minimum,
702 include notification of when marijuana seeds are planted, when
703 marijuana plants are harvested and destroyed, and when marijuana
704 is transported, sold, stolen, diverted, or lost. Each MMTC
705 ~~medical marijuana treatment center~~ shall use the seed-to-sale
706 tracking system established by the department or integrate its
707 own seed-to-sale tracking system with the seed-to-sale tracking
708 system established by the department. Each MMTC ~~medical~~
709 ~~marijuana treatment center~~ may use its own seed-to-sale system
710 until the department establishes a seed-to-sale tracking system.
711 The department may contract with a vendor to establish the seed-
712 to-sale tracking system. The vendor selected by the department
713 may not have a contractual relationship with the department to
714 perform any services pursuant to this section other than the
715 seed-to-sale tracking system. The vendor may not have a direct
716 or indirect financial interest in an MMTC ~~a medical marijuana~~
717 ~~treatment center~~ or a marijuana testing laboratory.

718 (b) Registration.-

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

721 a. The applicant's full legal name.

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

725 c. The name, address, and date of birth of each of the

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726 applicant's principals.

727 d. The name, address, and date of birth of each of the
728 applicant's current employees and contractors who will
729 participate in the operations of the MMTC.

730 e. The operation or operations in which the applicant
731 intends to engage, which may include one or more of the
732 following:

733 (I) Cultivation.

734 (II) Processing.

735 (III) Retail sales.

736 (IV) Transportation.

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

739 a. The applicant's completed registration form.

740 b. Personnel registration forms, as described in subsection
741 (9), for all principals, employees, and contractors listed on
742 the applicant's registration form who will participate in the
743 operations of the MMTC. The department may not register the
744 applicant as an MMTC until all principals, employees, and
745 contractors listed on the applicant's registration form have
746 registered with the department and are issued MMTC employee
747 identification cards.

748 c. Proof that all principals listed on the applicant's
749 registration form who will participate in the operations of the
750 MMTC have passed a level 2 background screening pursuant to
751 chapter 435 within the previous year.

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

754 e. Proof of the applicant's financial ability to maintain

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755 operations for the duration of the registration.

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

760 (I) Registration requirements in this paragraph during the
761 registration period; or

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

765 3. A registration expires 2 years after the date it is
766 issued.

767 4. In addition to obtaining registration pursuant to this
768 paragraph, an MMTC shall obtain an operating license for each
769 operation it will perform as provided in paragraph (c),
770 paragraph (d), or paragraph (f), as applicable.

771 (c) Cultivation licenses and processing licenses.-

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

775 a. A completed cultivation license or processing license
776 application form.

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

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

780 (I) Proof of an established infrastructure, or the ability
781 to establish an infrastructure in a reasonable amount of time,
782 that is designed for cultivation, processing, testing,
783 packaging, and labeling marijuana; proof of the ability to

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784 maintain the infrastructure's security; and proof of the ability
785 to prevent the theft or diversion of any marijuana.

786 (II) Proof that the applicant has the technical and
787 technological ability to cultivate and test or process and test
788 marijuana.

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

793 2. Cultivation licenses and processing licenses expire 2
794 years after the date they are issued. To renew a license, the
795 licensee must meet all of the requirements for initial
796 licensure; must provide all of the documentation required under
797 subparagraph 1.; and may not have any uncorrected substantial
798 violations of the standards adopted by department rule for the
799 cultivation, processing, testing, packaging, and labeling of
800 marijuana.

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

804 4. A licensee under this subsection may use contractors to
805 assist with the cultivation or processing of marijuana, as
806 applicable, but the licensee is ultimately responsible for all
807 of the operations performed by each contractor relating to the
808 cultivation or processing of marijuana and is responsible for
809 maintaining physical possession of the marijuana at all times.
810 All work done by a contractor must be performed at a location
811 that has a facility permit issued by the department. A licensee
812 using a contractor must register any principal or employee of a

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813 contractor who will be participating in the operations of the
814 licensee as provided in subsection (9). Such principal or
815 employee may not begin participating in the operations of the
816 licensee until he or she has received an MMTC employee
817 identification card from the department.

818 5. All marijuana byproducts that cannot be processed or
819 reprocessed must be destroyed by the cultivation licensee or the
820 processing licensee or their respective contractors within 30
821 days after the production of the byproducts.

822 6. A licensee under this subsection may sell marijuana at
823 wholesale only to other registered MMTCs. Before selling
824 marijuana at wholesale, the selling MMTC shall provide the
825 purchasing MMTC with documentation showing that the marijuana
826 meets the testing, packaging, and labeling requirements of this
827 section. The purchasing MMTC shall review such documentation to
828 determine that the marijuana is in compliance with this section
829 before taking possession of the marijuana.

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

834 ~~(c) A licensed medical marijuana treatment center shall~~
835 ~~cultivate, process, transport, and dispense marijuana for~~
836 ~~medical use. A licensed medical marijuana treatment center may~~
837 ~~not contract for services directly related to the cultivation,~~
838 ~~processing, and dispensing of marijuana or marijuana delivery~~
839 ~~devices, except that a medical marijuana treatment center~~
840 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
841 ~~single entity for the cultivation, processing, transporting, and~~

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842 ~~dispensing of marijuana and marijuana delivery devices. A~~
843 ~~licensed medical marijuana treatment center must, at all times,~~
844 ~~maintain compliance with the criteria demonstrated and~~
845 ~~representations made in the initial application and the criteria~~
846 ~~established in this subsection. Upon request, the department may~~
847 ~~grant a medical marijuana treatment center a variance from the~~
848 ~~representations made in the initial application. Consideration~~
849 ~~of such a request shall be based upon the individual facts and~~
850 ~~circumstances surrounding the request. A variance may not be~~
851 ~~granted unless the requesting medical marijuana treatment center~~
852 ~~can demonstrate to the department that it has a proposed~~
853 ~~alternative to the specific representation made in its~~
854 ~~application which fulfills the same or a similar purpose as the~~
855 ~~specific representation in a way that the department can~~
856 ~~reasonably determine will not be a lower standard than the~~
857 ~~specific representation in the application. A variance may not~~
858 ~~be granted from the requirements in subparagraph 2. and~~
859 ~~subparagraphs (b)1. and 2.~~

860 ~~1. A licensed medical marijuana treatment center may~~
861 ~~transfer ownership to an individual or entity who meets the~~
862 ~~requirements of this section. A publicly traded corporation or~~
863 ~~publicly traded company that meets the requirements of this~~
864 ~~section is not precluded from ownership of a medical marijuana~~
865 ~~treatment center. To accommodate a change in ownership:~~

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

869 ~~b. The individual or entity applying for initial licensure~~
870 ~~due to a change of ownership must submit an application that~~

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871 ~~must be received by the department at least 60 days before the~~
872 ~~date of change of ownership.~~

873 ~~e. Upon receipt of an application for a license, the~~
874 ~~department shall examine the application and, within 30 days~~
875 ~~after receipt, notify the applicant in writing of any apparent~~
876 ~~errors or omissions and request any additional information~~
877 ~~required.~~

878 ~~d. Requested information omitted from an application for~~
879 ~~licensure must be filed with the department within 21 days after~~
880 ~~the department's request for omitted information or the~~
881 ~~application shall be deemed incomplete and shall be withdrawn~~
882 ~~from further consideration and the fees shall be forfeited.~~

883
884 ~~Within 30 days after the receipt of a complete application, the~~
885 ~~department shall approve or deny the application.~~

886 ~~2. A medical marijuana treatment center, and any individual~~
887 ~~or entity who directly or indirectly owns, controls, or holds~~
888 ~~with power to vote 5 percent or more of the voting shares of a~~
889 ~~medical marijuana treatment center, may not acquire direct or~~
890 ~~indirect ownership or control of any voting shares or other form~~
891 ~~of ownership of any other medical marijuana treatment center.~~

892 ~~3. A medical marijuana treatment center may not enter into~~
893 ~~any form of profit-sharing arrangement with the property owner~~
894 ~~or lessor of any of its facilities where cultivation,~~
895 ~~processing, storing, or dispensing of marijuana and marijuana~~
896 ~~delivery devices occurs.~~

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

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900 ~~5. Each medical marijuana treatment center must adopt and~~
901 ~~enforce policies and procedures to ensure employees and~~
902 ~~volunteers receive training on the legal requirements to~~
903 ~~dispense marijuana to qualified patients.~~

904 8.6. When growing marijuana, an MMTC licensed for
905 cultivation ~~a medical marijuana treatment center:~~

906 a. May use pesticides determined by the department, after
907 consultation with the Department of Agriculture and Consumer
908 Services, to be safely applied to plants intended for human
909 consumption, but may not use pesticides designated as
910 restricted-use pesticides pursuant to s. 487.042.

911 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
912 cultivation facility ~~structure~~ and in a room separate from any
913 other plant.

914 c. Shall ~~Must~~ inspect seeds and growing plants for plant
915 pests that endanger or threaten the horticultural and
916 agricultural interests of the state in accordance with chapter
917 581 and any rules adopted thereunder.

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

921 ~~7. Each medical marijuana treatment center must produce and~~
922 ~~make available for purchase at least one low-THC cannabis~~
923 ~~product.~~

924 9.8. ~~An MMTC~~ ~~A medical marijuana treatment center~~ that
925 produces edibles must hold a permit to operate as a food
926 establishment pursuant to chapter 500, the Florida Food Safety
927 Act, and must comply with all the requirements for food
928 establishments pursuant to chapter 500 and any rules adopted

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929 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
930 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
931 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
932 may have a tetrahydrocannabinol potency variance of no greater
933 than 15 percent. Edibles may not be attractive to children; be
934 manufactured in the shape of humans, cartoons, or animals; be
935 manufactured in a form that bears any reasonable resemblance to
936 products available for consumption as commercially available
937 candy; or contain any color additives. To discourage consumption
938 of edibles by children, the department shall determine by rule
939 any shapes, forms, and ingredients allowed and prohibited for
940 edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin
941 processing or dispensing edibles until after the effective date
942 of the rule. The department shall also adopt sanitation rules
943 providing the standards and requirements for the storage,
944 display, or dispensing of edibles.

945 ~~9. Within 12 months after licensure, a medical marijuana~~
946 ~~treatment center must demonstrate to the department that all of~~
947 ~~its processing facilities have passed a Food Safety Good~~
948 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
949 ~~or equivalent, inspection by a nationally accredited certifying~~
950 ~~body. A medical marijuana treatment center must immediately stop~~
951 ~~processing at any facility which fails to pass this inspection~~
952 ~~until it demonstrates to the department that such facility has~~
953 ~~met this requirement.~~

954 ~~10. A medical marijuana treatment center that produces~~
955 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
956 ~~with tobacco or hemp.~~

957 ~~10.11.~~ When processing marijuana, an MMTC licensed for

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958 processing shall ~~a medical marijuana treatment center must:~~

959 a. Process the marijuana within an enclosed permitted
960 processing facility ~~structure~~ and in a room separate from other
961 plants or products.

962 b. Comply with department rules when processing marijuana
963 with hydrocarbon solvents or other solvents or gases exhibiting
964 potential toxicity to humans. The department shall determine by
965 rule the requirements for the ~~medical marijuana treatment~~
966 ~~centers to use of~~ such solvents or gases by MMTCs ~~exhibiting~~
967 ~~potential toxicity to humans.~~

968 c. Comply with federal and state laws and regulations and
969 department rules for solid and liquid wastes. The department
970 shall determine by rule procedures for the storage, handling,
971 transportation, management, and disposal of solid and liquid
972 waste generated during marijuana production and processing. The
973 Department of Environmental Protection shall assist the
974 department in developing such rules.

975 d. Test the processed marijuana using a medical marijuana
976 testing laboratory before it is sold or dispensed. Results must
977 be verified and signed by two MMTC ~~medical marijuana treatment~~
978 ~~center~~ employees. Before selling, selling at wholesale, or
979 dispensing, the MMTC shall ~~medical marijuana treatment center~~
980 ~~must~~ determine that the test results indicate that low-THC
981 cannabis meets the definition of low-THC cannabis, the
982 concentration of tetrahydrocannabinol meets the potency
983 requirements of this section, the labeling of the concentration
984 of tetrahydrocannabinol and cannabidiol is accurate, and all
985 marijuana is safe for human consumption and free from
986 contaminants that are unsafe for human consumption. The

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987 department shall determine by rule which contaminants must be
988 tested for and the maximum levels of each contaminant which are
989 safe for human consumption. The Department of Agriculture and
990 Consumer Services shall assist the department in developing the
991 testing requirements for contaminants that are unsafe for human
992 consumption in edibles. The department shall also determine by
993 rule the procedures for the treatment of marijuana that fails to
994 meet the testing requirements of this section, s. 381.988, or
995 department rule. The department may select a random sample from
996 edibles available for purchase in a dispensing facility, which
997 must ~~shall~~ be tested by the department to determine that the
998 edible meets the potency requirements of this section and,~~7~~ is
999 safe for human consumption,~~7~~ and that the labeling of the
1000 tetrahydrocannabinol and cannabidiol concentration is accurate.
1001 An MMTC ~~A medical marijuana treatment center~~ may not require
1002 payment from the department for the sample. An MMTC shall ~~A~~
1003 ~~medical marijuana treatment center must~~ recall edibles,
1004 including all edibles made from the same batch of marijuana,
1005 which fail to meet the potency requirements of this section,
1006 which are unsafe for human consumption, or for which the
1007 labeling of the tetrahydrocannabinol and cannabidiol
1008 concentration is inaccurate. An MMTC shall ~~The medical marijuana~~
1009 ~~treatment center must~~ retain records of all testing and samples
1010 of each homogenous batch of marijuana for at least 9 months. An
1011 MMTC shall ~~The medical marijuana treatment center must~~ contract
1012 with a marijuana testing laboratory to perform audits on the
1013 MMTC's ~~medical marijuana treatment center's~~ standard operating
1014 procedures, testing records, and samples and provide the results
1015 to the department to confirm that the marijuana or low-THC

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1016 cannabis meets the requirements of this section and that the
 1017 marijuana or low-THC cannabis is safe for human consumption. An
 1018 MMTC ~~A medical marijuana treatment center~~ shall reserve two
 1019 processed samples from each batch and retain such samples for at
 1020 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
 1021 ~~marijuana treatment center~~ may use a laboratory that has not
 1022 been certified by the department under s. 381.988 until such
 1023 time as at least one laboratory holds the required
 1024 certification, ~~but in no event later than July 1, 2018.~~

1025 e. Package the marijuana in compliance with the United
 1026 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
 1027 1471 et seq.

1028 f. Package the marijuana in a receptacle that has a firmly
 1029 affixed and legible label stating the following information:

1030 (I) That the marijuana or low-THC cannabis meets the
 1031 requirements of sub-subparagraph d.

1032 (II) The name of the MMTC ~~medical marijuana treatment~~
 1033 ~~center~~ from which the marijuana originates.

1034 (III) The batch number and harvest number from which the
 1035 marijuana originates and the date that the marijuana is sold or
 1036 dispensed.

1037 ~~(IV) The name of the physician who issued the physician~~
 1038 ~~certification.~~

1039 ~~(V) The name of the patient.~~

1040 ~~(VI)~~ The product name, if applicable, and dosage form,
 1041 including concentration of tetrahydrocannabinol and cannabidiol.
 1042 The product name may not contain wording commonly associated
 1043 with products marketed by or to children.

1044 (V) ~~(VII)~~ The recommended dose.

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1045 ~~(VI)-(VIII)~~ A warning that it is illegal to transfer ~~medical~~
1046 marijuana to a another person younger than 21 years of age.

1047 ~~(VII)-(IX)~~ A marijuana universal symbol developed by the
1048 department.

1049 ~~11.12.~~ The MMTC that packages the marijuana ~~medical~~
1050 ~~marijuana treatment center~~ shall include in each package an a
1051 ~~patient package~~ insert with information on the specific product
1052 dispensed related to all of the following:

- 1053 a. Clinical pharmacology.
1054 b. Indications and use.
1055 c. Dosage and administration.
1056 d. Dosage forms and strengths.
1057 e. Contraindications.
1058 f. Warnings and precautions.
1059 g. Adverse reactions.

1060 ~~12.13.~~ In addition to the packaging and labeling
1061 requirements specified in subparagraphs 10. and 11. and 12.,
1062 marijuana in a form for smoking must be packaged in a sealed
1063 receptacle with a legible and prominent warning to keep the
1064 receptacle away from children and a warning that states that
1065 marijuana smoke contains carcinogens and may negatively affect
1066 health. Such receptacles for marijuana in a form for smoking
1067 must be plain, opaque, and white without depictions of the
1068 product or images other than the MMTC's ~~medical marijuana~~
1069 ~~treatment center's~~ department-approved logo and the marijuana
1070 universal symbol.

1071 ~~13.14.~~ The department shall adopt rules to regulate the
1072 types, appearance, and labeling of marijuana delivery devices
1073 dispensed from an MMTC ~~a medical marijuana treatment center~~. The

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1074 rules must require marijuana delivery devices to have an
1075 appearance consistent with medical use.

1076 ~~14.15.~~ Each edible must ~~shall~~ be individually sealed in
1077 plain, opaque wrapping marked only with the marijuana universal
1078 symbol. ~~Where practical,~~ Each edible must ~~shall~~ be marked with
1079 the marijuana universal symbol. In addition to the packaging and
1080 labeling requirements in subparagraphs 10. and 11. and 12.,
1081 edible receptacles must be plain, opaque, and white without
1082 depictions of the product or images other than the MMTC's
1083 ~~medical marijuana treatment center's~~ department-approved logo
1084 and the marijuana universal symbol. The receptacle must also
1085 include a list of all the edible's ingredients, storage
1086 instructions, information on the estimated amount of time for
1087 the edible to take effect, an expiration date, a legible and
1088 prominent warning to keep the receptacle away from children and
1089 pets, and a warning that the edible has not been produced or
1090 inspected pursuant to federal food safety laws.

1091 (d) Retail licenses.—

1092 1. A registered MMTC may apply for a retail license. When
1093 applying, the MMTC must provide the department with, at a
1094 minimum, all of the following:

1095 a. A completed retail license application form.

1096 b. A statement by the applicant which indicates whether the
1097 applicant intends to dispense by delivery. A retail licensee may
1098 not deliver marijuana without also obtaining a transportation
1099 license pursuant to paragraph (f).

1100 c. The physical address of each location where the
1101 applicant will dispense or store marijuana.

1102 d. Identifying information for all other current or

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1103 previous retail licenses held by the applicant or any of the
1104 applicant's principals.

1105 e. Proof of operating procedures designed to secure and
1106 maintain accountability for all marijuana that the applicant
1107 receives and possesses, to ensure that only the allowed amount
1108 of marijuana is sold or dispensed, to ensure that the specified
1109 type of marijuana is correctly dispensed to a qualified patient
1110 or his or her caregiver pursuant to a physician certification,
1111 and to monitor the medical marijuana patient registry and
1112 electronically update the registry with dispensing information.

1113 2. A retail license expires 2 years after the date it is
1114 issued. The retail licensee must apply for license renewal
1115 before the expiration date. To renew a license, a retail
1116 licensee must meet all of the requirements for initial
1117 licensure; must provide all of the documents required under
1118 paragraph (b); and must not have any outstanding substantial
1119 violations of the applicable standards adopted by department
1120 rule.

1121 3. Before beginning to sell, dispense, or store marijuana,
1122 the licensee shall obtain a facility permit from the department
1123 for each location where marijuana will be sold, dispensed, or
1124 stored. If a facility's permit expires or is suspended or
1125 revoked, the MMTC must cease all applicable operations at that
1126 facility until the department inspects the facility and renews
1127 or reinstates the facility's permit.

1128 4. A dispensing facility may not repackage or modify
1129 marijuana that has already been packaged for sale by a
1130 cultivation licensee or processing licensee, unless the
1131 repackaging is of unprocessed marijuana, is done in accordance

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1132 with instructions from the cultivator or processor, and is
1133 documented in the required seed-to-sale tracking system.

1134 5. A retail licensee may contract with an MMTC that has a
1135 transportation license to transport marijuana between properties
1136 owned by the retail licensee, to deliver the marijuana for sale
1137 or dispensing, and to pick up returns of marijuana.

1138 6. Onsite consumption or administration of marijuana at a
1139 dispensing facility is prohibited.

1140 7.16. When dispensing marijuana or a marijuana delivery
1141 device, an MMTC licensed for retail a medical marijuana
1142 treatment center:

1143 a. May dispense any active, valid order for low-THC
1144 cannabis, medical cannabis and cannabis delivery devices issued
1145 pursuant to former s. 381.986, Florida Statutes 2016, which was
1146 entered into the medical marijuana use registry before July 1,
1147 2017.

1148 b. May not dispense more than one ~~a~~ 70-day supply of
1149 marijuana within any 70-day period to a qualified patient or
1150 caregiver ~~and~~ may not dispense more than one 35-day supply of
1151 marijuana in a form for smoking within any 35-day period to a
1152 qualified patient or caregiver. A 35-day supply of marijuana in
1153 a form for smoking may not exceed 2.5 ounces unless an exception
1154 to this amount is approved by the department pursuant to
1155 paragraph (4) (f).

1156 c. Shall require ~~Must have~~ the MMTC's ~~medical marijuana~~
1157 ~~treatment center's~~ employee who dispenses the marijuana or a
1158 marijuana delivery device to enter into the medical marijuana
1159 use registry his or her name or unique employee identifier.

1160 d. Before dispensing to a qualified patient or caregiver,

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1161 shall ~~must~~ verify that the qualified patient and, if applicable,
1162 the caregiver, ~~if applicable,~~ each have an active registration
1163 in the medical marijuana use registry and an active and valid
1164 medical marijuana use registry identification card; that, the
1165 amount and type of marijuana dispensed matches the physician
1166 certification in the medical marijuana use registry for that
1167 qualified patient; ~~and~~ that the physician certification has not
1168 already been filled.

1169 e. Before dispensing to a qualified patient or caregiver,
1170 shall label the marijuana or the marijuana delivery device with
1171 the name of the physician who issued the physician certification
1172 and the name of the patient for whom the certification was
1173 issued.

1174 f. May not dispense marijuana to a qualified patient who is
1175 younger than 18 years of age. If the qualified patient is
1176 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1177 only to the qualified patient's caregiver.

1178 g. May sell marijuana to an adult 21 years of age or older
1179 pursuant to s. 381.990, provided that the MMTC is registered
1180 with the Department of Business and Professional Regulation
1181 pursuant to that section. When selling marijuana pursuant to
1182 that section, the employee selling the marijuana must determine
1183 that the appearance of the buyer is such that a prudent person
1184 would believe the buyer to be 21 years of age or older or must
1185 carefully check the buyer's driver license, identification card
1186 issued by this state or another state of the United States,
1187 passport, or United States Armed Services identification card to
1188 determine the buyer's age. Other than for the purpose of
1189 determining a buyer's age, an MMTC may not request or store any

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1190 personal information provided by the buyer.

1191 ~~h.f.~~ May not dispense or sell any ~~other type of cannabis,~~
 1192 alcohol, or illicit drug-related product, ~~including pipes or~~
 1193 ~~wrapping papers made with tobacco or hemp, other than a~~
 1194 ~~marijuana delivery device required for the medical use of~~
 1195 ~~marijuana and which is specified in a physician certification.~~

1196 ~~i.g. Must,~~ Upon dispensing the marijuana or marijuana
 1197 delivery device to a qualified patient or caregiver, shall
 1198 record in the registry the date, time, quantity, and form of
 1199 marijuana dispensed; the type of marijuana delivery device
 1200 dispensed; and the name and medical marijuana use registry
 1201 identification number of the qualified patient or caregiver to
 1202 whom the marijuana delivery device was dispensed.

1203 ~~j.h. Shall Must~~ ensure that patient records are not visible
 1204 to anyone other than the qualified patient, his or her
 1205 caregiver, and authorized MMTC ~~medical marijuana treatment~~
 1206 ~~center~~ employees.

1207 ~~(e)(f) Security.~~—To ensure the safety and security of
 1208 premises where the cultivation, processing, storing, or
 1209 dispensing of marijuana occurs, and to maintain adequate
 1210 controls against the diversion, theft, and loss of marijuana or
 1211 marijuana delivery devices, an MMTC a medical marijuana
 1212 ~~treatment center~~ shall do all of the following:

1213 1.a. Maintain a fully operational security alarm system
 1214 that secures all entry points and perimeter windows and is
 1215 equipped with motion detectors; pressure switches; and duress,
 1216 panic, and hold-up alarms. ~~;~~ and

1217 b. Maintain a video surveillance system that records
 1218 continuously, 24 hours a day, and meets all of the following

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1219 criteria:

1220 (I) Cameras are fixed in a place that allows for the clear
1221 identification of persons and activities in controlled areas of
1222 the premises. Controlled areas include grow rooms, processing
1223 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1224 rooms.

1225 (II) Cameras are fixed in entrances and exits to the
1226 premises in a place that allows recording, ~~which shall record~~
1227 from both indoor and outdoor, or ingress and egress, vantage
1228 points.

1229 (III) Produces recorded images that ~~must~~ clearly and
1230 accurately display the time and date of recording.

1231 ~~c. (IV)~~ Retain video surveillance recordings for at least 45
1232 days or longer upon the request of a law enforcement agency.

1233 2. Ensure that the MMTC's ~~medical-marijuana treatment~~
1234 ~~center's~~ outdoor premises have sufficient lighting from dusk
1235 until dawn.

1236 3. Ensure that the indoor premises where dispensing occurs
1237 include ~~includes~~ a waiting area with sufficient space and
1238 seating to accommodate qualified patients and caregivers and at
1239 least one private consultation area that is isolated from the
1240 waiting area and the area where dispensing occurs. An MMTC ~~A~~
1241 ~~medical-marijuana treatment center~~ may not display products or
1242 dispense marijuana or marijuana delivery devices in the waiting
1243 area.

1244 4. Cease dispensing ~~Not dispense from its premises~~
1245 marijuana or ~~a~~ marijuana delivery devices ~~from its premises~~
1246 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
1247 perform all other operations and deliver marijuana to qualified

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1248 patients 24 hours a day.

1249 5. Store marijuana in a secured, locked room or a vault.

1250 6. Require at least two of its employees, or two employees
1251 of a security agency with whom it contracts, to be on the
1252 premises ~~at all times~~ where cultivation, processing, or storing
1253 of marijuana occurs, at all times.

1254 7. Require each employee or contractor to wear a photo
1255 identification badge at all times while on the premises.

1256 8. Require each visitor to wear a visitor pass at all times
1257 while on the premises.

1258 9. Implement an alcohol and drug-free workplace policy.

1259 10. Report to a local law enforcement agency within 24
1260 hours after the MMTC medical marijuana treatment center is
1261 notified or becomes aware of the theft, diversion, or loss of
1262 marijuana.

1263 (f) Transportation licenses; vehicle permits.-

1264 1. A registered MMTC may apply for a transportation
1265 license. When applying, the MMTC must provide the department
1266 with, at a minimum, all of the following:

1267 a. The physical address of the MMTC's place of business.

1268 b. Proof that the MMTC has a documentation system in
1269 accordance with the required seed-to-sale tracking system,
1270 including transportation manifests, for transporting marijuana
1271 between licensed facilities and to qualified patients.

1272 Transportation manifests may be electronically stored and
1273 presented.

1274 c. Proof of the MMTC's compliance with health and
1275 sanitation standards for the transportation of marijuana.

1276 d. Proof that all marijuana transported between licensed

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1277 facilities will be transported in tamper-evident shipping
1278 containers.

1279 2. An MMTC with a transportation license may not transport
1280 marijuana on the property of an airport, a seaport, a spaceport,
1281 or any property of the Federal Government.

1282 3. An MMTC with a transportation license may transport
1283 marijuana and marijuana delivery devices only in a vehicle that
1284 is owned or leased by the MMTC or the MMTC's contractor and for
1285 which a valid vehicle permit has been issued by the department.

1286 4. An MMTC with a transportation license may obtain a
1287 vehicle permit upon submission of an application. The MMTC shall
1288 designate as the driver for each permitted vehicle an employee
1289 or contracted employee who is registered with the department and
1290 who is authorized to possess marijuana when not on the property
1291 of the MMTC. Such designation must be displayed in the vehicle
1292 at all times. Each permitted vehicle must be GPS-monitored. A
1293 vehicle permit remains valid and does not expire unless the MMTC
1294 or its contractor disposes of the permitted vehicle or the
1295 MMTC's registration or transportation license is transferred,
1296 canceled, not renewed, or revoked by the department. The
1297 department shall cancel a vehicle permit upon the request of the
1298 MMTC or its contractor.

1299 5. When transporting marijuana, a permitted vehicle is
1300 subject to inspection and search without a search warrant by
1301 authorized employees of the department, sheriffs, deputy
1302 sheriffs, police officers, or other law enforcement officers to
1303 determine that the MMTC is operating in compliance with this
1304 section.

1305 6. An MMTC with a transportation license may deliver, or

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1306 contract for the delivery of, marijuana and marijuana delivery
1307 devices to other MMTCs within this state, to qualified patients
1308 and caregivers within this state, and to adults 21 years of age
1309 or older within this state. A county or municipality may not
1310 prohibit deliveries of marijuana or marijuana delivery devices
1311 to qualified patients or caregivers within the county or
1312 municipality. Deliveries may be made only to the qualified
1313 patient who placed the order or his or her caregiver. When
1314 delivering to a qualified patient or caregiver, an MMTC or its
1315 contractor shall verify the identity of the qualified patient
1316 upon placement of the delivery order and, again, upon delivery.
1317 When delivering marijuana to an adult 21 years of age or older,
1318 an MMTC or its contractor shall verify the age of the buyer upon
1319 placement of the order and, again, upon delivery. In order to
1320 verify the age of the buyer, the MMTC must determine that the
1321 appearance of the buyer is such that a prudent person would
1322 believe the buyer to be 21 years of age or older or must
1323 carefully check the buyer's driver license, identification card
1324 issued by this state or another state of the United States,
1325 passport, or United States Armed Services identification card to
1326 determine the buyer's age. The department shall adopt rules
1327 specific to the delivery of marijuana which include both of the
1328 following:

1329 a. Procedures for verifying the age and identity of the
1330 person placing the order for and receiving a delivery, as
1331 appropriate, including required training for delivery personnel.

1332 b. A maximum dispensary value for all marijuana and
1333 currency that may be in the possession of a registered MMTC
1334 employee or contractor while he or she makes a delivery. The

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1335 maximum value established by rule may not be less than \$5,000.

1336 7. Licensees under this subsection may use contractors to
1337 assist with the transportation of marijuana. A licensee is
1338 ultimately responsible for all of the actions and operations of
1339 each contractor relating to the transportation of marijuana and
1340 must know the location of all marijuana products at all times.
1341 To participate in the operations of a licensee under this
1342 subsection, a principal or employee of a contractor contracted
1343 by the licensee must first register with the department under
1344 subsection (9) and be issued an MMTC employee identification
1345 card.

1346 (g) Facility permits.—

1347 1. Before cultivating, processing, dispensing, or storing
1348 marijuana at any location, an MMTC shall apply to the department
1349 for the applicable facility permit for that location. The
1350 department shall adopt by rule an application form. Upon
1351 receiving a request for a permit from a licensee, the department
1352 shall inspect the facility for compliance with this section and
1353 rules adopted hereunder and, upon a determination of compliance,
1354 shall issue a permit to the facility. The department shall issue
1355 or deny a facility permit within 30 days after receiving the
1356 request for the permit.

1357 2. A facility permit expires 2 years after the date it is
1358 issued. Each facility must be inspected by the department for
1359 compliance with this section and department rules before the
1360 facility's permit is renewed.

1361 3. If a facility permit expires or is suspended or revoked,
1362 the MMTC must cease all applicable operations at that facility
1363 until the department inspects the facility and renews or

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1364 reinstates the facility's permit.

1365 4. Cultivation facilities and processing facilities:

1366 a. Shall maintain insurance with at least \$1 million of
1367 hazard and liability insurance per location; and

1368 b. Must be secure, closed to the public, and, unless an
1369 ordinance allows the facility to be located closer, located at
1370 least 1,000 feet away from any existing public or private
1371 elementary or secondary school, child care facility as defined
1372 in s. 402.302, or licensed service provider offering substance
1373 abuse services.

1374 5. All matters regarding the permitting and regulation of
1375 cultivation facilities and processing facilities, including the
1376 location of such facilities, are preempted to the state.

1377 6. Dispensing facilities and storage facilities:

1378 a. Shall maintain insurance with at least \$500,000 of
1379 hazard and liability insurance for each facility where marijuana
1380 is dispensed or stored; and

1381 b. Unless an ordinance allows the facility to be located
1382 closer, must be located at least 1,000 feet away from any
1383 existing public or private elementary or secondary school, child
1384 care facility as defined in s. 402.302, or licensed service
1385 provider offering substance abuse services.

1386 7. The governing body of a county or municipality, by
1387 ordinance, may prohibit or limit the number of dispensing
1388 facilities located within its jurisdiction but may not prohibit
1389 an MMTC with a retail license or its permitted storage facility
1390 from being located within its jurisdiction if the licensee is
1391 delivering or contracting to deliver marijuana to qualified
1392 patients within that jurisdiction. The department may not issue

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1393 a facility permit for a dispensing facility in a county or
1394 municipality in which the board of county commissioners or other
1395 local governing body, as applicable, has adopted such an
1396 ordinance. A county or municipality may not require, request, or
1397 accept financial contributions or similar benefits from MMTCs,
1398 but, in addition to other taxes authorized by law, a county or
1399 municipality may levy a local business tax on a dispensing
1400 facility. An ordinance adopted by a municipality or county
1401 pursuant to this paragraph may not do any of the following:

1402 a. Provide exclusive access to one or several individuals
1403 or entities to operate dispensing facilities within the
1404 jurisdiction.

1405 b. Prohibit specific individuals or entities from operating
1406 a dispensing facility within the jurisdiction if the ordinance
1407 allows dispensing facilities to operate in the jurisdiction.

1408 c. Prohibit the delivery of marijuana within the
1409 jurisdiction by a properly licensed MMTC located within the
1410 jurisdiction.

1411 8. The department may adopt by rule additional requirements
1412 for the permitting of cultivation, processing, dispensing, and
1413 storage facilities to ensure the sanitary, safe, and secure
1414 cultivation, processing, dispensing, storage, and sale of
1415 marijuana.

1416 ~~To ensure the safe transport of marijuana and marijuana~~
1417 ~~delivery devices to medical marijuana treatment centers,~~
1418 ~~marijuana testing laboratories, or qualified patients, a medical~~
1419 ~~marijuana treatment center must:~~

1420 ~~1. Maintain a marijuana transportation manifest in any~~
1421 ~~vehicle transporting marijuana. The marijuana transportation~~

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1422 ~~manifest must be generated from a medical marijuana treatment~~
1423 ~~center's seed-to-sale tracking system and include the:~~

- 1424 ~~a. Departure date and approximate time of departure.~~
- 1425 ~~b. Name, location address, and license number of the~~
1426 ~~originating medical marijuana treatment center.~~
- 1427 ~~e. Name and address of the recipient of the delivery.~~
- 1428 ~~d. Quantity and form of any marijuana or marijuana delivery~~
1429 ~~device being transported.~~
- 1430 ~~e. Arrival date and estimated time of arrival.~~
- 1431 ~~f. Delivery vehicle make and model and license plate~~
1432 ~~number.~~
- 1433 ~~g. Name and signature of the medical marijuana treatment~~
1434 ~~center employees delivering the product.~~

1435 ~~(I) A copy of the marijuana transportation manifest must be~~
1436 ~~provided to each individual, medical marijuana treatment center,~~
1437 ~~or marijuana testing laboratory that receives a delivery. The~~
1438 ~~individual, or a representative of the center or laboratory,~~
1439 ~~must sign a copy of the marijuana transportation manifest~~
1440 ~~acknowledging receipt.~~

1441 ~~(II) An individual transporting marijuana or a marijuana~~
1442 ~~delivery device must present a copy of the relevant marijuana~~
1443 ~~transportation manifest and his or her employee identification~~
1444 ~~card to a law enforcement officer upon request.~~

1445 ~~(III) Medical marijuana treatment centers and marijuana~~
1446 ~~testing laboratories must retain copies of all marijuana~~
1447 ~~transportation manifests for at least 3 years.~~

1448 ~~2. Ensure only vehicles in good working order are used to~~
1449 ~~transport marijuana.~~

1450 ~~3. Lock marijuana and marijuana delivery devices in a~~

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1451 ~~separate compartment or container within the vehicle.~~

1452 ~~4. Require employees to have possession of their employee~~
1453 ~~identification card at all times when transporting marijuana or~~
1454 ~~marijuana delivery devices.~~

1455 ~~5. Require at least two persons to be in a vehicle~~
1456 ~~transporting marijuana or marijuana delivery devices, and~~
1457 ~~require at least one person to remain in the vehicle while the~~
1458 ~~marijuana or marijuana delivery device is being delivered.~~

1459 ~~6. Provide specific safety and security training to~~
1460 ~~employees transporting or delivering marijuana and marijuana~~
1461 ~~delivery devices.~~

1462 (h) Advertising.—~~An MMTC A medical marijuana treatment~~
1463 ~~center~~ may not engage in advertising that is visible to members
1464 of the public from any street, sidewalk, park, or other public
1465 place, except:

1466 1. An MMTC dispensing facility ~~The dispensing location of A~~
1467 ~~medical marijuana treatment center~~ may have a sign that is
1468 affixed to the outside or hanging in the window of the premises
1469 which identifies the dispensing facility ~~dispensary~~ by the
1470 licensee's business name, a department-approved trade name, or a
1471 department-approved logo. An MMTC's ~~A medical marijuana~~
1472 ~~treatment center's~~ trade name and logo may not contain wording
1473 or images commonly associated with marketing targeted toward
1474 children ~~or which promote recreational use of marijuana.~~

1475 2. An MMTC ~~A medical marijuana treatment center~~ may engage
1476 in Internet advertising and marketing under the following
1477 conditions:

- 1478 a. All advertisements must be approved by the department.
1479 b. An advertisement may not have any content that

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1480 specifically targets individuals under the age of 18, including
1481 cartoon characters or similar images.

1482 c. An advertisement may not be an unsolicited pop-up
1483 advertisement.

1484 d. Opt-in marketing must include an easy and permanent opt-
1485 out feature.

1486 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1487 ~~marijuana treatment center~~ that dispenses marijuana and
1488 marijuana delivery devices shall make all of the following
1489 available to the public on its website:

1490 1. Each marijuana and low-THC product available for
1491 purchase, including the form, strain of marijuana from which it
1492 was extracted, cannabidiol content, tetrahydrocannabinol
1493 content, dose unit, total number of doses available, and the
1494 ratio of cannabidiol to tetrahydrocannabinol for each product.

1495 2. The price for a 30-day, 50-day, and 70-day supply at a
1496 standard dose for each marijuana and low-THC product available
1497 for purchase.

1498 3. The price for each marijuana delivery device available
1499 for purchase.

1500 4. If applicable, any discount policies and eligibility
1501 criteria for such discounts.

1502 (j) Sourcing of marijuana for medical use.—~~MMTCs~~ ~~Medical~~
1503 ~~marijuana treatment centers~~ are the sole source from which a
1504 person ~~qualified patient~~ may legally obtain marijuana.

1505 (k) Rulemaking.—The department may adopt rules pursuant to
1506 ss. 120.536(1) and 120.54 to implement this subsection.

1507 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1508 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

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1509 (a) The department shall adopt rules to administer the
1510 registration of medical marijuana treatment center (MMTC)
1511 principals, employees, and contractors who participate in the
1512 operations of an MMTC. Before hiring or contracting with any
1513 individual who is not registered with the department or who does
1514 not possess a current MMTC employee identification card, an MMTC
1515 must apply to the department to register that person as an MMTC
1516 employee. The department shall adopt by rule a form for such
1517 applications for registration, which must require the applicant
1518 to provide all of the following:

1519 1. His or her full legal name, social security number, date
1520 of birth, and home address.

1521 2. A full-face, passport-type, color photograph of the
1522 applicant taken within 90 days immediately preceding submission
1523 of the application.

1524 3. Proof that he or she has passed a level 2 background
1525 screening pursuant to chapter 435 within the previous year.

1526 4. An indication as to whether the applicant will be
1527 authorized by the MMTC to possess marijuana while not on MMTC
1528 property.

1529 (b) Once the department has received a completed
1530 application form from an MMTC, the department shall register the
1531 principal, employee, or contractor associated with the MMTC and
1532 issue him or her an MMTC employee identification card that, at a
1533 minimum, includes all of the following:

1534 1. The employee's name and the name of the MMTC that
1535 employs him or her.

1536 2. The employee's photograph, as required under paragraph
1537 (a).

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1538 3. The expiration date of the card, which must be 1 year
1539 after the date it is issued.

1540 4. An indication of whether the employee is authorized by
1541 the MMTC to possess marijuana while not on MMTC property.

1542 (c) If any information provided to the department for the
1543 registration of an MMTC principal, employee, or contractor or in
1544 the application for an MMTC employee identification card
1545 changes, or if the registered person's employment status with
1546 the MMTC changes, the registered person and the MMTC must
1547 provide the department with the new information or status within
1548 7 days after the change.

1549 (d) The department may contract with one or more vendors
1550 for the purpose of issuing MMTC employee identification cards
1551 under this subsection.

1552 ~~BACKGROUND SCREENING. An individual required to undergo a~~
1553 ~~background screening pursuant to this section must pass a level~~
1554 ~~2 background screening as provided under chapter 435, which, in~~
1555 ~~addition to the disqualifying offenses provided in s. 435.04,~~
1556 ~~shall exclude an individual who has an arrest awaiting final~~
1557 ~~disposition for, has been found guilty of, regardless of~~
1558 ~~adjudication, or has entered a plea of nolo contendere or guilty~~
1559 ~~to an offense under chapter 837, chapter 895, or chapter 896 or~~
1560 ~~similar law of another jurisdiction.~~

1561 ~~(a) Such individual must submit a full set of fingerprints~~
1562 ~~to the department or to a vendor, entity, or agency authorized~~
1563 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
1564 ~~shall forward the fingerprints to the Department of Law~~
1565 ~~Enforcement for state processing, and the Department of Law~~
1566 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~

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1567 ~~of Investigation for national processing.~~

1568 ~~(b) Fees for state and federal fingerprint processing and~~
1569 ~~retention shall be borne by the individual. The state cost for~~
1570 ~~fingerprint processing shall be as provided in s. 943.053(3) (c)~~
1571 ~~for records provided to persons or entities other than those~~
1572 ~~specified as exceptions therein.~~

1573 ~~(c) Fingerprints submitted to the Department of Law~~
1574 ~~Enforcement pursuant to this subsection shall be retained by the~~
1575 ~~Department of Law Enforcement as provided in s. 943.05(2)(g) and~~
1576 ~~(h) and, when the Department of Law Enforcement begins~~
1577 ~~participation in the program, enrolled in the Federal Bureau of~~
1578 ~~Investigation's national retained print arrest notification~~
1579 ~~program. Any arrest record identified shall be reported to the~~
1580 ~~department.~~

1581 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1582 ADMINISTRATIVE ACTIONS.—

1583 (a) ~~The department shall conduct announced or unannounced~~
1584 ~~inspections of medical marijuana treatment centers to determine~~
1585 ~~compliance with this section or rules adopted pursuant to this~~
1586 ~~section.~~

1587 ~~(b) The department shall inspect a medical marijuana~~
1588 ~~treatment center~~ Upon receiving a complaint or notice that a the
1589 medical marijuana treatment center (MMTC) has dispensed
1590 marijuana containing mold, bacteria, or any other contaminant
1591 that may cause or has caused an adverse effect to human health
1592 or the environment, the department shall inspect the MMTC, its
1593 facilities, and, as appropriate, any cultivation or processing
1594 facility of the MMTC from which the batch of marijuana was
1595 purchased.

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1596 (b) ~~(e)~~ The department shall conduct at least a biennial
1597 inspection of each MMTC ~~medical marijuana treatment center~~ to
1598 evaluate its ~~the medical marijuana treatment center's~~ records,
1599 personnel, equipment, processes, security measures, sanitation
1600 practices, and quality assurance practices.

1601 (c) The department shall conduct at least a biennial
1602 inspection of each permitted facility. The department may
1603 conduct additional announced or unannounced inspections of a
1604 permitted facility within reasonable hours in order to ensure
1605 compliance with this section and rules adopted hereunder.

1606 (d) The Department of Agriculture and Consumer Services and
1607 the department shall enter into an interagency agreement to
1608 ensure cooperation and coordination in the performance of their
1609 obligations under this section and their respective regulatory
1610 and authorizing laws. The department, the Department of Highway
1611 Safety and Motor Vehicles, and the Department of Law Enforcement
1612 may enter into interagency agreements for the purposes specified
1613 in this subsection or subsection (7).

1614 (e) The department shall publish a list of all approved
1615 MMTCs ~~medical marijuana treatment centers~~, medical directors,
1616 and qualified physicians on its website.

1617 (f) The department may impose administrative penalties,
1618 including reasonable fines not to exceed \$10,000, on an MMTC a
1619 ~~medical marijuana treatment center~~ for any of the following
1620 violations:

- 1621 1. Violating this section or department rule.
- 1622 2. Failing to maintain qualifications for approval.
- 1623 3. Endangering the health, safety, or security of a
1624 qualified patient or an adult purchasing marijuana pursuant to

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1625 s. 381.990.1626 4. Improperly disclosing personal and confidential
1627 information of the qualified patient.1628 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1629 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1630 extortion.1631 6. Being convicted or found guilty of, or entering a plea
1632 of guilty or nolo contendere to, regardless of adjudication, a
1633 crime in any jurisdiction which directly relates to the business
1634 of an MMTC ~~a medical marijuana treatment center~~.1635 7. Making or filing a report or record that the MMTC
1636 ~~medical marijuana treatment center~~ knows to be false.1637 8. Willfully failing to maintain a record required by this
1638 section or department rule.1639 9. Willfully impeding or obstructing an employee or agent
1640 of the department in the furtherance of his or her official
1641 duties.1642 10. Engaging in fraud or deceit, negligence, incompetence,
1643 or misconduct in the business practices of an MMTC ~~a medical~~
1644 ~~marijuana treatment center~~.1645 11. Making misleading, deceptive, or fraudulent
1646 representations in or related to the business practices of an
1647 MMTC ~~a medical marijuana treatment center~~.1648 12. Having a license or the authority to engage in any
1649 regulated profession, occupation, or business that is related to
1650 the business practices of an MMTC ~~a medical marijuana treatment~~
1651 ~~center~~ suspended, revoked, or otherwise acted against by the
1652 licensing authority of any jurisdiction, including its agencies
1653 or subdivisions, for a violation that would constitute a

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1654 violation under Florida law.

1655 13. Violating a lawful order of the department or an agency
1656 of the state, or failing to comply with a lawfully issued
1657 subpoena of the department or an agency of the state.

1658 14. Failing to adequately determine the age of a buyer who
1659 is not a qualified patient or caregiver.

1660 (g) The department may suspend, revoke, or refuse to renew
1661 an MMTC's registration, operating licenses, and any vehicle
1662 permits or facility permits ~~a medical marijuana treatment center~~
1663 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits
1664 any of the violations specified in paragraph (f).

1665 (h) The department shall refuse to renew the cultivation,
1666 processing, retail, or transportation license of an MMTC that
1667 has not begun to cultivate, process, dispense, or transport
1668 marijuana, as applicable, by the date that the MMTC is required
1669 to renew such license.

1670 (i) ~~(h)~~ The department may adopt rules pursuant to ss.
1671 120.536(1) and 120.54 to implement this subsection.

1672 (11) PREEMPTION.—Regulation of cultivation, processing, and
1673 delivery of marijuana by medical marijuana treatment centers
1674 (MMTCs) is preempted to the state except as provided in this
1675 subsection.

1676 (a) An MMTC ~~A medical marijuana treatment center~~
1677 cultivating or processing facility may not be located within 500
1678 feet of the real property that comprises a public or private
1679 elementary school, middle school, or secondary school.

1680 (b)1. A county or municipality may, by ordinance, ban MMTC
1681 ~~medical marijuana treatment center~~ dispensing facilities from
1682 being located within the boundaries of that county or

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1683 municipality. A county or municipality that does not ban
1684 dispensing facilities under this subparagraph may not place
1685 specific limits, by ordinance, on the number of dispensing
1686 facilities that may locate within that county or municipality.

1687 2. A municipality may determine by ordinance the criteria
1688 for the location of, and other permitting requirements that do
1689 not conflict with state law or department rule for, MMTC ~~medical~~
1690 ~~marijuana treatment center~~ dispensing facilities located within
1691 the boundaries of that municipality. A county may determine by
1692 ordinance the criteria for the location of, and other permitting
1693 requirements that do not conflict with state law or department
1694 rule for, all such dispensing facilities located within the
1695 unincorporated areas of that county. Except as provided in
1696 paragraph (c), a county or municipality may not enact ordinances
1697 for permitting or for determining the location of dispensing
1698 facilities which are more restrictive than its ordinances
1699 permitting or determining the locations for pharmacies licensed
1700 under chapter 465. A municipality or county may not charge an
1701 MMTC ~~a medical marijuana treatment center~~ a license or permit
1702 fee in an amount greater than the fee charged by such
1703 municipality or county to pharmacies. A dispensing facility
1704 location approved by a municipality or county pursuant to former
1705 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1706 location requirements of this subsection.

1707 (c) An MMTC ~~A medical marijuana treatment center~~ dispensing
1708 facility may not be located within 500 feet of the real property
1709 that comprises a public or private elementary school, middle
1710 school, or secondary school unless the county or municipality
1711 approves the location through a formal proceeding open to the

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1712 public at which the county or municipality determines that the
1713 location promotes the public health, safety, and general welfare
1714 of the community.

1715 (d) This subsection does not prohibit any local
1716 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~
1717 ~~center~~ facilities comply with the Florida Building Code, the
1718 Florida Fire Prevention Code, or any local amendments to the
1719 Florida Building Code or the Florida Fire Prevention Code.

1720 (12) PENALTIES.—

1721 (a) A qualified physician commits a misdemeanor of the
1722 first degree, punishable as provided in s. 775.082 or s.
1723 775.083, if he or she ~~the qualified physician~~ issues a physician
1724 certification for the medical use of marijuana for a patient
1725 without a reasonable belief that the patient is suffering from a
1726 qualifying medical condition.

1727 (b) A person who fraudulently represents that he or she has
1728 a qualifying medical condition to a qualified physician for the
1729 purpose of being issued a physician certification commits a
1730 misdemeanor of the first degree, punishable as provided in s.
1731 775.082 or s. 775.083.

1732 (c) 1. A person ~~qualified patient~~ who uses marijuana, not
1733 including low-THC cannabis, or a caregiver who administers
1734 marijuana, not including low-THC cannabis, in plain view of or
1735 in a place open to the general public is subject to a civil fine
1736 not exceeding \$100.

1737 2. A person who uses marijuana, not including low-THC
1738 cannabis, ~~+~~ in a school bus, a moving vehicle, or an aircraft, ~~or~~
1739 ~~a boat,~~ or on the grounds of a school except as provided in s.
1740 1006.062, commits a misdemeanor of the first degree, punishable

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1741 as provided in s. 775.082 or s. 775.083.

1742 (d) A person ~~qualified patient or caregiver~~ who cultivates
1743 marijuana or who purchases ~~or acquires~~ marijuana from any person
1744 or entity other than a medical marijuana treatment center (MMTC)
1745 violates s. 893.13 and is subject to the penalties provided
1746 therein.

1747 (e) ~~1. A qualified patient or caregiver in possession of~~
1748 ~~marijuana or a marijuana delivery device who fails or refuses to~~
1749 ~~present his or her marijuana use registry identification card~~
1750 ~~upon the request of a law enforcement officer commits a~~
1751 ~~misdemeanor of the second degree, punishable as provided in s.~~
1752 ~~775.082 or s. 775.083, unless it can be determined through the~~
1753 ~~medical marijuana use registry that the person is authorized to~~
1754 ~~be in possession of that marijuana or marijuana delivery device.~~

1755 ~~2. A person charged with a violation of this paragraph may~~
1756 ~~not be convicted if, before or at the time of his or her court~~
1757 ~~or hearing appearance, the person produces in court or to the~~
1758 ~~clerk of the court in which the charge is pending a medical~~
1759 ~~marijuana use registry identification card issued to him or her~~
1760 ~~which is valid at the time of his or her arrest. The clerk of~~
1761 ~~the court is authorized to dismiss such case at any time before~~
1762 ~~the defendant's appearance in court. The clerk of the court may~~
1763 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1764 ~~(f)~~ A caregiver who violates any of the applicable
1765 provisions of this section or applicable department rules, for
1766 the first offense, commits a misdemeanor of the second degree,
1767 punishable as provided in s. 775.082 or s. 775.083 and, for a
1768 second or subsequent offense, commits a misdemeanor of the first
1769 degree, punishable as provided in s. 775.082 or s. 775.083.

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1770 (f)~~(g)~~ A qualified physician who issues a physician
1771 certification for marijuana or a marijuana delivery device and
1772 receives compensation from an MMTC ~~a medical marijuana treatment~~
1773 ~~center~~ related to the issuance of a physician certification for
1774 marijuana or a marijuana delivery device is subject to
1775 disciplinary action under the applicable practice act and s.
1776 456.072 (1) (n).

1777 (g)~~(h)~~ A person transporting marijuana or marijuana
1778 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1779 ~~treatment center~~ or a marijuana testing laboratory who fails or
1780 refuses to present a transportation manifest, whether in paper
1781 or electronic format, upon the request of a law enforcement
1782 officer commits a misdemeanor of the second degree, punishable
1783 as provided in s. 775.082 or s. 775.083.

1784 (h)~~(i)~~ Persons and entities conducting activities
1785 authorized and governed by this section and s. 381.988 are
1786 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1787 (i)~~(j)~~ A person or entity that cultivates, processes,
1788 distributes, sells, or dispenses marijuana, as defined in s.
1789 29(b) (4), Art. X of the State Constitution, and is not licensed
1790 as an MMTC ~~a medical marijuana treatment center~~ violates s.
1791 893.13 and is subject to the penalties provided therein. This
1792 paragraph does not apply to a transfer of marijuana products or
1793 marijuana which is authorized by this section, s. 381.990, or s.
1794 893.13.

1795 (j)~~(k)~~ A person who manufactures, distributes, sells,
1796 gives, or possesses with the intent to manufacture, distribute,
1797 sell, or give marijuana or a marijuana delivery device that he
1798 or she holds out to have originated from a licensed MMTC ~~medical~~

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1799 ~~marijuana treatment center~~ but that is counterfeit commits a
1800 felony of the third degree, punishable as provided in s.
1801 775.082, s. 775.083, or s. 775.084. For the purposes of this
1802 paragraph, the term "counterfeit" means marijuana; a marijuana
1803 delivery device; or a marijuana or marijuana delivery device
1804 container, seal, or label which, without authorization, bears
1805 the trademark, trade name, or other identifying mark, imprint,
1806 or device, or any likeness thereof, of a licensed MMTC ~~medical~~
1807 ~~marijuana treatment center~~ and which thereby falsely purports or
1808 is represented to be the product of, or to have been distributed
1809 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1810 (k) ~~(l)~~ Any person who possesses or manufactures a blank,
1811 forged, stolen, fictitious, fraudulent, counterfeit, or
1812 otherwise unlawfully issued medical marijuana use registry
1813 identification card commits a felony of the third degree,
1814 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1815 (14) EXCEPTIONS TO OTHER LAWS.—

1816 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1817 any other ~~provision of~~ law, but subject to the requirements of
1818 this section, a qualified patient and the qualified patient's
1819 caregiver may purchase from a medical marijuana treatment center
1820 (MMTC) for the patient's medical use a marijuana delivery device
1821 and up to the amount of marijuana authorized in the physician
1822 certification, but may not possess more than a 70-day supply of
1823 marijuana, or the greater of 4 ounces of marijuana in a form for
1824 smoking or an amount of marijuana in a form for smoking approved
1825 by the department pursuant to paragraph (4) (f), at any given
1826 time and all marijuana purchased must remain in its original
1827 packaging.

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1828 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1829 s. 893.147, or any other ~~provision of law~~, a qualified patient
1830 and the qualified patient's caregiver may purchase and possess a
1831 marijuana delivery device intended for the medical use of
1832 marijuana by smoking from a vendor other than an MMTC ~~a medical~~
1833 ~~marijuana treatment center~~.

1834 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1835 any other ~~provision of law~~, but subject to the requirements of
1836 this section, an approved MMTC ~~medical marijuana treatment~~
1837 ~~center~~ and its owners, managers, and employees may manufacture,
1838 possess, sell, deliver, distribute, dispense, and lawfully
1839 dispose of marijuana or a marijuana delivery device as provided
1840 in this section, s. 381.988, s. 381.990, and by department rule.
1841 For the purposes of this subsection, the terms "manufacture,"
1842 "possession," "deliver," "distribute," and "dispense" have the
1843 same meanings as provided in s. 893.02.

1844 (e) A licensed MMTC ~~medical marijuana treatment center~~ and
1845 its owners, managers, and employees are not subject to licensure
1846 or regulation under chapter 465 or chapter 499 for
1847 manufacturing, possessing, selling, delivering, distributing,
1848 dispensing, or lawfully disposing of marijuana or a marijuana
1849 delivery device, as provided in this section, in s. 381.988, and
1850 by department rule.

1851 ~~(17) Rules adopted pursuant to this section before July 1,~~
1852 ~~2021, are not subject to ss. 120.54(3)(b) and 120.541. This~~
1853 ~~subsection expires July 1, 2021.~~

1854 Section 3. Section 381.990, Florida Statutes, is created to
1855 read:

1856 381.990 Adult use of marijuana.-

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1857 (1) A person 21 years of age or older may purchase in a
1858 single transaction marijuana products containing up to 2,000
1859 milligrams of tetrahydrocannabinol; up to 2.5 ounces of
1860 marijuana in a form for smoking; and one or more marijuana
1861 delivery devices, as defined in s. 381.986, provided that such
1862 marijuana products, marijuana in a form for smoking, and
1863 marijuana delivery devices are purchased from a medical
1864 marijuana treatment center (MMTC) that is licensed by the
1865 department pursuant to s. 381.986 for the retail sale of
1866 marijuana and is registered by the Department of Business and
1867 Professional Regulation for the sale of marijuana for adult use.
1868 A violation of this subsection is punishable as provided in s.
1869 893.13.

1870 (2) A person who purchases marijuana products, marijuana in
1871 a form for smoking, or marijuana delivery devices in accordance
1872 with subsection (1) may possess, use, transport, and transfer,
1873 without consideration, to a person 21 years of age or older such
1874 products or devices. However, a person may not at any time
1875 possess marijuana products that contain, in total, more than
1876 2,000 milligrams of tetrahydrocannabinol or more than 4.0 ounces
1877 of marijuana in a form for smoking. A violation of this
1878 subsection is punishable as provided in s. 893.13.

1879 (3) This section does not limit the ability of a private
1880 property owner to restrict the smoking or vaping of marijuana on
1881 his or her private property; however, a landlord may not prevent
1882 his or her tenants from possessing or using marijuana by other
1883 means.

1884 (4) This section does not exempt a person from prosecution
1885 for a criminal offense related to impairment or intoxication

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1886 resulting from the use of marijuana or relieve a person from any
1887 requirement under law to submit to a breath, blood, or urine
1888 test or any other test to detect the presence of a controlled
1889 substance.

1890 Section 4. Effective July 1, 2022, the Department of
1891 Agriculture and Consumer Services shall conduct a study on the
1892 potential harms and benefits of allowing the cultivation of
1893 marijuana by members of the public for private use, including
1894 the use of a cooperative model. The department shall report the
1895 results of the study to the Governor, the President of the
1896 Senate, and the Speaker of the House of Representatives by
1897 January 1, 2023.

1898 Section 5. Subsection (3) and paragraphs (a) and (b) of
1899 subsection (6) of section 893.13, Florida Statutes, are amended
1900 to read:

1901 893.13 Prohibited acts; penalties.—

1902 (3) (a) A person 21 years of age or older may deliver,
1903 without consideration, to another person 21 years of age or
1904 older:

1905 1. Marijuana products that contain a total of 2,000
1906 milligrams or less of tetrahydrocannabinol; and

1907 2. A quantity of 2.5 ounces or less of cannabis, as defined
1908 in this chapter.

1909 (b) A person younger than 21 years of age who delivers,
1910 without consideration, to another person marijuana products that
1911 contain a total of 2,000 milligrams or less of
1912 tetrahydrocannabinol or a quantity of 2.5 ounces or less of
1913 cannabis, as defined in this chapter, commits a misdemeanor of
1914 the second degree, punishable as provided in s. 775.082 or s.

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1915 775.083, for a first conviction of a violation of this paragraph
1916 and commits a misdemeanor of the first degree, punishable as
1917 provided in s. 775.082 or s. 775.083, for a second or subsequent
1918 conviction of a violation of this paragraph ~~who delivers,~~
1919 ~~without consideration, 20 grams or less of cannabis, as defined~~
1920 ~~in this chapter, commits a misdemeanor of the first degree,~~
1921 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1922 ~~this subsection, the term "cannabis" does not include the resin~~
1923 ~~extracted from the plants of the genus Cannabis or any compound~~
1924 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1925 ~~resin.~~

1926 (6) (a) Except as otherwise provided in this subsection, a
1927 person may not be in actual or constructive possession of a
1928 controlled substance unless such controlled substance was
1929 lawfully obtained from a practitioner or pursuant to a valid
1930 prescription or order of a practitioner while acting in the
1931 course of his or her professional practice or to be in actual or
1932 constructive possession of a controlled substance except as
1933 otherwise authorized by this chapter. A person who violates this
1934 provision commits a felony of the third degree, punishable as
1935 provided in s. 775.082, s. 775.083, or s. 775.084.

1936 (b) 1. A person 21 years of age or older may possess
1937 marijuana products that contain a total of 2,000 milligrams or
1938 less of tetrahydrocannabinol and may possess 4.0 ounces or less
1939 of cannabis, as defined in this chapter ~~If the offense is the~~
1940 ~~possession of 20 grams or less of cannabis, as defined in this~~
1941 ~~chapter, the person commits a misdemeanor of the first degree,~~
1942 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1943 ~~this subsection, the term "cannabis" does not include the resin~~

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1944 ~~extracted from the plants of the genus *Cannabis*, or any compound~~
1945 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1946 ~~resin.~~

1947 2. A person under 21 years of age who possesses marijuana
1948 products that contain a total of 2,000 milligrams or less of
1949 tetrahydrocannabinol or who possesses 4.0 ounces or less of
1950 cannabis, as defined in this chapter, commits a misdemeanor of
1951 the second degree, punishable as provided in s. 775.082 or s.
1952 775.083, for a first conviction of a violation of this paragraph
1953 and a misdemeanor of the first degree, punishable as provided in
1954 s. 775.082 or s. 775.083, for a second or subsequent conviction
1955 of a violation of this paragraph.

1956 Section 6. Section 893.1352, Florida Statutes, is created
1957 to read:

1958 893.1352 Retroactive application of s. 893.13.—

1959 (1) It is the intent of the Legislature to retroactively
1960 apply amendments to s. 893.13 to certain persons who were
1961 convicted of possession of cannabis before January 1, 2023.

1962 (2) As used in this section, a reference to "former s.
1963 893.13, Florida Statutes 2022," is a reference to s. 893.13 as
1964 it existed at any time before January 1, 2023.

1965 (3) (a) A person who was convicted of a violation of former
1966 s. 893.13, Florida Statutes 2022, for possessing 4.0 ounces or
1967 less of cannabis as defined in chapter 893, but was not
1968 sentenced under that section before January 1, 2023, must be
1969 sentenced in accordance with s. 775.082, s. 775.083, or s.
1970 775.084 for the degree of offense provided in s. 893.13.

1971 (b) A person who was convicted of a violation of former s.
1972 893.13, Florida Statutes 2022, for possessing 4.0 ounces or less

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1973 of cannabis as defined in chapter 893, who was sentenced before
1974 January 1, 2023, to a term of imprisonment or probation pursuant
1975 to former s. 893.13, Florida Statutes 2022, and who is serving
1976 the term of imprisonment or probation on or after January 1,
1977 2023, must have an opportunity for a sentence review hearing. If
1978 the person requests a sentence review hearing, he or she must be
1979 resentenced in accordance with paragraph (c).

1980 (c) Resentencing under this section must occur in the
1981 following manner:

1982 1. The Department of Corrections shall notify the person
1983 described in paragraph (b) of his or her eligibility to request
1984 a sentence review hearing.

1985 2. A person seeking sentence review under this section may
1986 submit an application to the court of original jurisdiction
1987 requesting that a sentence review hearing be held. The
1988 sentencing court retains original jurisdiction for the duration
1989 of the sentence for the purpose of this review.

1990 3. A person who is eligible for a sentence review hearing
1991 under this section is entitled to representation by legal
1992 counsel. If the person is indigent and unable to employ counsel,
1993 the court shall appoint counsel under s. 27.52. Determination of
1994 indigence and costs of representation is as provided in ss.
1995 27.52 and 938.29.

1996 4. Upon receipt of a request for a sentence review hearing,
1997 the court of original jurisdiction shall hold such a hearing to
1998 determine if the person meets the criteria for resentencing
1999 under this section. If the court determines by a preponderance
2000 of the evidence that the person is currently serving a sentence
2001 for a violation of former s. 893.13, Florida Statutes 2022, and

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2002 that the violation was for possession of cannabis in the amount
2003 of 4.0 ounces or less, the court shall resentence the person in
2004 accordance with this section. If the court determines that the
2005 person does not meet the criteria for resentencing under this
2006 section, the court must provide written findings as to why the
2007 person does not meet the criteria.

2008 5. If the court finds that the underlying facts of a
2009 conviction that is subject to resentencing are classified as a
2010 crime under s. 893.13, the person must be resentedenced to a term
2011 that would not exceed the maximum sentence provided by that
2012 section. The person is entitled to receive credit for his or her
2013 time served.

2014 6. If the court finds that the underlying facts of a
2015 conviction that is subject to resentencing are not classified as
2016 a crime under s. 893.13, the person must be resentedenced to time
2017 served and released from supervision as soon as reasonably
2018 possible.

2019 (4) Notwithstanding any other law, a person who has been
2020 convicted of a crime under former s. 893.13, Florida Statutes
2021 2022, and whose offense would not be classified as a crime under
2022 s. 893.13, must have all fines, fees, and costs related to such
2023 conviction waived.

2024 Section 7. Present subsections (5), (6), and (7) of section
2025 893.147, Florida Statutes, are redesignated as subsections (6),
2026 (7), and (8), respectively, a new subsection (5) is added to
2027 that section, and subsections (1), (2), and (4) of that section
2028 are amended, to read:

2029 893.147 Use, possession, manufacture, delivery,
2030 transportation, advertisement, or retail sale of drug

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2031 paraphernalia, specified machines, and materials.—

2032 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2033 provided in subsection (5), it is unlawful for any person to
2034 use, or to possess with intent to use, drug paraphernalia:

2035 (a) To plant, propagate, cultivate, grow, harvest,
2036 manufacture, compound, convert, produce, process, prepare, test,
2037 analyze, pack, repack, store, contain, or conceal a controlled
2038 substance in violation of this chapter; or

2039 (b) To inject, ingest, inhale, or otherwise introduce into
2040 the human body a controlled substance in violation of this
2041 chapter.

2042
2043 Any person who violates this subsection is guilty of a
2044 misdemeanor of the first degree, punishable as provided in s.
2045 775.082 or s. 775.083.

2046 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2047 as provided in subsection (5), it is unlawful for any person to
2048 deliver, possess with intent to deliver, or manufacture with
2049 intent to deliver drug paraphernalia, knowing, or under
2050 circumstances where one reasonably should know, that it will be
2051 used:

2052 (a) To plant, propagate, cultivate, grow, harvest,
2053 manufacture, compound, convert, produce, process, prepare, test,
2054 analyze, pack, repack, store, contain, or conceal a controlled
2055 substance in violation of this act; or

2056 (b) To inject, ingest, inhale, or otherwise introduce into
2057 the human body a controlled substance in violation of this act.

2058
2059 Any person who violates this subsection is guilty of a felony of

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2060 the third degree, punishable as provided in s. 775.082, s.
2061 775.083, or s. 775.084.

2062 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as
2063 provided in subsection (5), it is unlawful to use, possess with
2064 the intent to use, or manufacture with the intent to use drug
2065 paraphernalia, knowing or under circumstances in which one
2066 reasonably should know that it will be used to transport:

2067 (a) A controlled substance in violation of this chapter; or
2068 (b) Contraband as defined in s. 932.701(2)(a)1.

2069

2070 Any person who violates this subsection commits a felony of the
2071 third degree, punishable as provided in s. 775.082, s. 775.083,
2072 or s. 775.084.

2073 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

2074 (a) A person 21 years of age or older may possess, use,
2075 transport, or deliver, without consideration, to a person 21
2076 years of age or older a marijuana delivery device as defined in
2077 s. 381.986.

2078 (b) A person younger than 21 years of age who possesses,
2079 uses, transports, or delivers, without consideration, a
2080 marijuana delivery device as defined in s. 381.986 commits a
2081 misdemeanor of the second degree, punishable as provided in s.
2082 775.082 or s. 775.083 for a first conviction of a violation of
2083 this paragraph and a misdemeanor of the first degree, punishable
2084 as provided in s. 775.082 or s. 775.083, for a second or
2085 subsequent conviction of a violation of this paragraph.

2086 Section 8. Section 943.0586, Florida Statutes, is created
2087 to read:

2088 943.0586 Cannabis expunction.—

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- 2089 (1) DEFINITIONS.—As used in this section, the term:
2090 (a) "Cannabis" has the same meaning as provided in chapter
2091 893.
2092 (b) "Expunction" has the same meaning and effect as
2093 provided in s. 943.0585.
2094 (c) "Former s. 893.13, Florida Statutes 2022," is a
2095 reference to s. 893.13 as it existed at any time before January
2096 1, 2023.
- 2097 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
2098 eligible to petition a court to expunge a criminal history
2099 record for the conviction of former s. 893.13, Florida Statutes
2100 2022, if:
- 2101 (a) The person received a withholding of adjudication or
2102 adjudication of guilt for a violation of former s. 893.13,
2103 Florida Statutes 2022, for the possession of cannabis;
2104 (b) The person possessed 4.0 ounces or less of cannabis;
2105 and
- 2106 (c) The person is no longer under court supervision related
2107 to the disposition of arrest or alleged criminal activity to
2108 which the petition to expunge pertains.
- 2109 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2110 to expunge a criminal history record under this section, a
2111 person seeking to expunge a criminal history record must apply
2112 to the department for a certificate of eligibility for
2113 expunction. The department shall adopt rules to establish
2114 procedures for applying for and issuing a certificate of
2115 eligibility for expunction.
- 2116 (a) The department shall issue a certificate of eligibility
2117 for expunction to a person who is the subject of a criminal

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2118 history record under this section, if that person:

2119 1. Satisfies the eligibility criteria in subsection (2);

2120 2. Has submitted to the department a written certified
2121 statement from the appropriate state attorney or statewide
2122 prosecutor which confirms the criminal history record complies
2123 with the criteria in subsection (2); and

2124 3. Has submitted to the department a certified copy of the
2125 disposition of the charge to which the petition to expunge
2126 pertains.

2127 (b) A certificate of eligibility for expunction is valid
2128 for 12 months after the date of issuance stamped by the
2129 department on the certificate. After that time, the petitioner
2130 must reapply to the department for a new certificate of
2131 eligibility. The petitioner's status and the law in effect at
2132 the time of the renewal application determine the petitioner's
2133 eligibility.

2134 (4) PETITION.—Each petition to expunge a criminal history
2135 record must be accompanied by:

2136 (a) A valid certificate of eligibility issued by the
2137 department.

2138 (b) The petitioner's sworn statement that he or she:

2139 1. Satisfies the eligibility requirements for expunction in
2140 subsection (2); and

2141 2. Is eligible for expunction to the best of his or her
2142 knowledge.

2143 (5) PENALTIES.—A person who knowingly provides false
2144 information on his or her sworn statement submitted with a
2145 petition to expunge commits a felony of the third degree,
2146 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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2147 (6) COURT AUTHORITY.—

2148 (a) The courts of this state have jurisdiction over their
2149 own procedures, including the maintenance, expunction, and
2150 correction of judicial records containing criminal history
2151 information, to the extent that such procedures are not
2152 inconsistent with the conditions, responsibilities, and duties
2153 established by this section.

2154 (b) A court of competent jurisdiction shall order a
2155 criminal justice agency to expunge the criminal history record
2156 of a person who complies with this section. The court may not
2157 order a criminal justice agency to expunge a criminal history
2158 record under this section until the person seeking to expunge a
2159 criminal history record has applied for and received a
2160 certificate of eligibility under subsection (3).

2161 (c) Expunction granted under this section does not prevent
2162 the person who receives such relief from petitioning for the
2163 expunction or sealing of a later criminal history record as
2164 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2165 person is otherwise eligible under those sections.

2166 (7) PROCESSING OF A PETITION OR AN ORDER.—

2167 (a) In judicial proceedings under this section, a copy of
2168 the completed petition to expunge must be served upon the
2169 appropriate state attorney or the statewide prosecutor and upon
2170 the arresting agency; however, it is not necessary to make any
2171 agency other than the state a party. The appropriate state
2172 attorney or the statewide prosecutor and the arresting agency
2173 may respond to the court regarding the completed petition to
2174 expunge.

2175 (b) If relief is granted by the court, the clerk of the

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2176 court shall certify copies of the order to the appropriate state
2177 attorney or the statewide prosecutor and the arresting agency.
2178 The arresting agency shall forward the order to any other agency
2179 to which the arresting agency disseminated the criminal history
2180 record information to which the order pertains. The department
2181 shall forward the order to expunge to the Federal Bureau of
2182 Investigation. The clerk of the court shall certify a copy of
2183 the order to any other agency that the records of the court
2184 reflect has received the criminal history record from the court.

2185 (c) The department or any other criminal justice agency is
2186 not required to act on an order to expunge entered by a court if
2187 such order does not meet the requirements of this section. Upon
2188 receipt of such an order, the department shall notify the
2189 issuing court, the appropriate state attorney or statewide
2190 prosecutor, the petitioner or the petitioner's attorney, and the
2191 arresting agency of the reason for noncompliance. The
2192 appropriate state attorney or statewide prosecutor shall take
2193 action within 60 days to correct the record and petition the
2194 court to void the order. No cause of action, including contempt
2195 of court, may arise against any criminal justice agency for
2196 failure to comply with an order to expunge if the petitioner for
2197 such order failed to obtain the certificate of eligibility as
2198 required by this section or such order does not otherwise meet
2199 the requirements of this section.

2200 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2201 (a) The person who is the subject of a criminal history
2202 record that is expunged under this section may lawfully deny or
2203 fail to acknowledge any arrest or conviction covered by the
2204 expunged record, except if the person who is the subject of the

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- 2205 record:
- 2206 1. Is a candidate for employment with a criminal justice
- 2207 agency;
- 2208 2. Is a defendant in a criminal prosecution;
- 2209 3. Concurrently or subsequently petitions for relief under
- 2210 this section, s. 943.0583, s. 943.0585, or s. 943.059;
- 2211 4. Is a candidate for admission to The Florida Bar;
- 2212 5. Is seeking to be employed or licensed by or to contract
- 2213 with the Department of Children and Families, the Division of
- 2214 Vocational Rehabilitation within the Department of Education,
- 2215 the Agency for Health Care Administration, the Agency for
- 2216 Persons with Disabilities, the Department of Health, the
- 2217 Department of Elderly Affairs, or the Department of Juvenile
- 2218 Justice or to be employed or used by such contractor or licensee
- 2219 in a sensitive position having direct contact with children,
- 2220 persons with disabilities, or the elderly;
- 2221 6. Is seeking to be employed or licensed by the Department
- 2222 of Education, any district school board, any university
- 2223 laboratory school, any charter school, any private or parochial
- 2224 school, or any local governmental entity that licenses child
- 2225 care facilities;
- 2226 7. Is seeking to be licensed by the Division of Insurance
- 2227 Agent and Agency Services within the Department of Financial
- 2228 Services; or
- 2229 8. Is seeking to be appointed as a guardian pursuant to s.
- 2230 744.3125.
- 2231 (b) A person who has been granted an expunction under this
- 2232 section and who is authorized under paragraph (a) to lawfully
- 2233 deny or fail to acknowledge the arrests and convictions covered

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2234 by an expunged record may not be held under any law of this
2235 state to have committed perjury or to be otherwise liable for
2236 giving a false statement by reason of his or her failure to
2237 recite or acknowledge an expunged criminal history record.

2238 Section 9. Section 893.15, Florida Statutes, is amended to
2239 read:

2240 893.15 Rehabilitation.—Any person who violates s.
2241 893.13(6) (a) ~~or (b)~~ relating to possession may, in the
2242 discretion of the trial judge, be required to participate in a
2243 substance abuse services program approved or regulated by the
2244 Department of Children and Families pursuant to the provisions
2245 of chapter 397, provided the director of such program approves
2246 the placement of the defendant in such program. Such required
2247 participation shall be imposed in addition to any penalty or
2248 probation otherwise prescribed by law. However, the total time
2249 of such penalty, probation, and program participation may ~~shall~~
2250 not exceed the maximum length of sentence possible for the
2251 offense.

2252 Section 10. Except as otherwise expressly provided in this
2253 act and except for this section, which shall take effect upon
2254 becoming a law, this act shall take effect January 1, 2023.