

By Senator Rouson

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1 A bill to be entitled
2 An act relating to medical marijuana treatment center
3 licenses; amending s. 381.986, F.S.; requiring the
4 Department of Health to award a medical marijuana
5 treatment center license to an applicant from a
6 certain recognized member class if specified
7 conditions are met; providing that a license awarded
8 to such applicant be deducted from the number of
9 licenses to be issued pursuant to a specified
10 calculation; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (a) of subsection (8) of section
15 381.986, Florida Statutes, is amended to read:

16 381.986 Medical use of marijuana.—

17 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

18 (a) The department shall license medical marijuana
19 treatment centers to ensure reasonable statewide accessibility
20 and availability as necessary for qualified patients registered
21 in the medical marijuana use registry ~~and~~ who are issued a
22 physician certification under this section.

23 1. As soon as practicable, but no later than July 3, 2017,
24 the department shall license as a medical marijuana treatment
25 center any entity that holds an active, unrestricted license to
26 cultivate, process, transport, and dispense low-THC cannabis,
27 medical cannabis, and cannabis delivery devices, under former s.
28 381.986, Florida Statutes 2016, before July 1, 2017, and which
29 meets the requirements of this section. In addition to the

16-00807-23

20231356__

30 authority granted under this section, these entities are
31 authorized to dispense low-THC cannabis, medical cannabis, and
32 cannabis delivery devices ordered pursuant to former s. 381.986,
33 Florida Statutes 2016, which were entered into the compassionate
34 use registry before July 1, 2017, and are authorized to begin
35 dispensing marijuana under this section on July 3, 2017. The
36 department may grant variances from the representations made in
37 such an entity's original application for approval under former
38 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

39 2. The department shall license as medical marijuana
40 treatment centers 10 applicants that meet the requirements of
41 this section, under the following parameters:

42 a. As soon as practicable, but no later than August 1,
43 2017, the department shall license any applicant whose
44 application was reviewed, evaluated, and scored by the
45 department and which was denied a dispensing organization
46 license by the department under former s. 381.986, Florida
47 Statutes 2014; which had one or more administrative or judicial
48 challenges pending as of January 1, 2017, or had a final ranking
49 within one point of the highest final ranking in its region
50 under former s. 381.986, Florida Statutes 2014; which meets the
51 requirements of this section; and which provides documentation
52 to the department that it has the existing infrastructure and
53 technical and technological ability to begin cultivating
54 marijuana within 30 days after registration as a medical
55 marijuana treatment center.

56 b. As soon as practicable, the department shall license one
57 applicant that is a recognized class member of *Pigford v.*
58 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*

16-00807-23

20231356__

59 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
60 under this sub-subparagraph is exempt from the requirement of
61 subparagraph (b)2. An applicant that applies for licensure under
62 this sub-subparagraph, pays its initial application fee, and is
63 determined by the department through the application process, or
64 through a final determination from the Division of
65 Administrative Hearings or the department as a result of a
66 challenge filed pursuant to chapter 120, to meet all of the
67 application requirements must be awarded a license by the
68 department. Any licenses awarded pursuant to this sub-
69 subparagraph must be deducted from the number of licenses
70 available for issuance pursuant to subparagraph 4. An applicant
71 that applies for licensure under this sub-subparagraph, pays its
72 initial application fee, is determined by the department through
73 the application process to qualify as a recognized class member,
74 and is not awarded a license under this sub-subparagraph may
75 transfer its initial application fee to one subsequent
76 opportunity to apply for licensure under subparagraph 4.

77 c. As soon as practicable, but no later than October 3,
78 2017, the department shall license applicants that meet the
79 requirements of this section in sufficient numbers to result in
80 10 total licenses issued under this subparagraph, while
81 accounting for the number of licenses issued under sub-
82 subparagraphs a. and b.

83 3. For up to two of the licenses issued under subparagraph
84 2., the department shall give preference to applicants that
85 demonstrate in their applications that they own one or more
86 facilities that are, or were, used for the canning,
87 concentrating, or otherwise processing of citrus fruit or citrus

16-00807-23

20231356__

88 molasses and will use or convert the facility or facilities for
89 the processing of marijuana.

90 4. Within 6 months after the registration of 100,000 active
91 qualified patients in the medical marijuana use registry, the
92 department shall license four additional medical marijuana
93 treatment centers that meet the requirements of this section.
94 Thereafter, the department shall license four medical marijuana
95 treatment centers within 6 months after the registration of each
96 additional 100,000 active qualified patients in the medical
97 marijuana use registry that meet the requirements of this
98 section.

99 Section 2. This act shall take effect July 1, 2023.