

By Senator Davis

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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.; exempting certain
 4 applicants for medical marijuana treatment center
 5 licenses from specified licensure requirements;
 6 requiring that medical marijuana treatment center
 7 licenses issued to individuals be changed to reflect
 8 the name of specified business entities or
 9 partnerships under certain circumstances; amending s.
 10 2, chapter 2023-292, Laws of Florida; providing that
 11 the death of certain applicants does not bar the
 12 estate of such applicants from challenging the
 13 Department of Health's decision on the application and
 14 may not be a reason to deny any such challenge;
 15 providing for retroactive application; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Paragraph (a) of subsection (8) of section
 21 381.986, Florida Statutes, is amended to read:

22 381.986 Medical use of marijuana.—

23 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

24 (a) The department shall license medical marijuana
 25 treatment centers to ensure reasonable statewide accessibility
 26 and availability as necessary for qualified patients registered
 27 in the medical marijuana use registry and who are issued a
 28 physician certification under this section.

29 1. As soon as practicable, but no later than July 3, 2017,

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30 the department shall license as a medical marijuana treatment
31 center any entity that holds an active, unrestricted license to
32 cultivate, process, transport, and dispense low-THC cannabis,
33 medical cannabis, and cannabis delivery devices, under former s.
34 381.986, Florida Statutes 2016, before July 1, 2017, and which
35 meets the requirements of this section. In addition to the
36 authority granted under this section, these entities are
37 authorized to dispense low-THC cannabis, medical cannabis, and
38 cannabis delivery devices ordered pursuant to former s. 381.986,
39 Florida Statutes 2016, which were entered into the compassionate
40 use registry before July 1, 2017, and are authorized to begin
41 dispensing marijuana under this section on July 3, 2017. The
42 department may grant variances from the representations made in
43 such an entity's original application for approval under former
44 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

48 a. As soon as practicable, but no later than August 1,
49 2017, the department shall license any applicant whose
50 application was reviewed, evaluated, and scored by the
51 department and which was denied a dispensing organization
52 license by the department under former s. 381.986, Florida
53 Statutes 2014; which had one or more administrative or judicial
54 challenges pending as of January 1, 2017, or had a final ranking
55 within one point of the highest final ranking in its region
56 under former s. 381.986, Florida Statutes 2014; which meets the
57 requirements of this section; and which provides documentation
58 to the department that it has the existing infrastructure and

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59 technical and technological ability to begin cultivating
60 marijuana within 30 days after registration as a medical
61 marijuana treatment center.

62 b. As soon as practicable, the department shall license one
63 applicant that is a recognized class member of *Pigford v.*
64 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
65 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
66 under this sub-subparagraph is exempt from the requirements of
67 subparagraphs (b)1. and 2. ~~requirement of subparagraph (b)2.~~ An
68 applicant that applies for licensure under this sub-
69 subparagraph, pays its initial application fee, is determined by
70 the department through the application process to qualify as a
71 recognized class member, and is not awarded a license under this
72 sub-subparagraph may transfer its initial application fee to one
73 subsequent opportunity to apply for licensure under subparagraph
74 4. A license granted to an individual under this sub-
75 subparagraph must be changed to the name of the class member's
76 business entity or partnership.

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

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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. Section 2 of chapter 2023-292, Laws of Florida,
100 is amended to read:

101 Section 2. (1) Notwithstanding any provision of s.
102 381.986(8)(a)2.b., Florida Statutes, to the contrary, the
103 Department of Health shall, as soon as practicable, license all
104 applicants that applied for licensure during the application
105 window created by the department to accept applications for
106 licensure pursuant to s. 381.986(8)(a)2.b., Florida Statutes,
107 and received:

108 (a) A notice from the department regarding the applicant's
109 application for licensure indicating the department's intent to
110 approve or deny the application which did not cite any
111 deficiencies with the application, regardless of the applicant's
112 final score; or

113 (b) A final determination from the department as a result
114 of a challenge to the application process, initiated pursuant to
115 s. 120.569, Florida Statutes, determining that the applicant met
116 all requirements for licensure pursuant to s. 381.986(8)(a)2.b.,

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117 Florida Statutes, and applicable rules, regardless of the
118 applicant's final score.

119 (2) Upon this section becoming a law, the department shall
120 grant each applicant referenced in subsection (1) 90 days to
121 cure, pursuant to the errors and omissions process established
122 in department Form DH8035-OMMU-10/2021 as incorporated by the
123 department in Rule 64ER21-16, F.A.C., any deficiencies cited in
124 a notice referenced in paragraph (1)(a). If such applicant cures
125 the deficiencies within that 90-day timeframe, the department
126 shall issue a license to the applicant.

127 (3) The death of ~~If an applicant whose application~~
128 precipitated ~~who was alive at the time he or she received the~~
129 notice referred to in paragraph (1)(a) does not bar the estate
130 of the applicant from challenging the department's determination
131 under ~~dies during the challenge referred to in paragraph (1)(b),~~
132 nor may it ~~the death of the applicant may not~~ be a reason to
133 deny the challenge. In such a case and in the event of a
134 successful challenge pursuant to paragraph (1)(b), the
135 department must issue the license to the estate of the
136 applicant.

137 (4) The number of licenses made available for issuance
138 under s. 381.986(8)(a)4., Florida Statutes, must be reduced by
139 the number of licenses awarded under this section, except that
140 the number of licenses awarded under this section may not be
141 deducted from the number of licenses available for the
142 application window held between April 24, 2023, and April 28,
143 2023.

144 (5) This section shall take effect upon becoming a law.
145 Section 3. This act is remedial in nature and applies

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146 retroactively.

147 Section 4. This act shall take effect upon becoming a law.