

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; providing
10 that the death of certain applicants does not bar the
11 estate of such applicants from challenging the
12 Department of Health's decision on the application and
13 may not be a reason to deny any such challenge;
14 providing for retroactive application; providing an
15 effective date.

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

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

21 381.986 Medical use of marijuana.—

22 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

23 (a) The department shall license medical marijuana
24 treatment centers to ensure reasonable statewide accessibility
25 and availability as necessary for qualified patients registered

26 | in the medical marijuana use registry and who are issued a
27 | physician certification under this section.

28 | 1. As soon as practicable, but no later than July 3, 2017,
29 | the department shall license as a medical marijuana treatment
30 | center any entity that holds an active, unrestricted license to
31 | cultivate, process, transport, and dispense low-THC cannabis,
32 | medical cannabis, and cannabis delivery devices, under former s.
33 | 381.986, Florida Statutes 2016, before July 1, 2017, and which
34 | meets the requirements of this section. In addition to the
35 | authority granted under this section, these entities are
36 | authorized to dispense low-THC cannabis, medical cannabis, and
37 | cannabis delivery devices ordered pursuant to former s. 381.986,
38 | Florida Statutes 2016, which were entered into the compassionate
39 | use registry before July 1, 2017, and are authorized to begin
40 | dispensing marijuana under this section on July 3, 2017. The
41 | department may grant variances from the representations made in
42 | such an entity's original application for approval under former
43 | s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

47 | a. As soon as practicable, but no later than August 1,
48 | 2017, the department shall license any applicant whose
49 | application was reviewed, evaluated, and scored by the
50 | department and which was denied a dispensing organization

51 license by the department under former s. 381.986, Florida
52 Statutes 2014; which had one or more administrative or judicial
53 challenges pending as of January 1, 2017, or had a final ranking
54 within one point of the highest final ranking in its region
55 under former s. 381.986, Florida Statutes 2014; which meets the
56 requirements of this section; and which provides documentation
57 to the department that it has the existing infrastructure and
58 technical and technological ability to begin cultivating
59 marijuana within 30 days after registration as a medical
60 marijuana treatment center.

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

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

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

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

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

100 Section 2. (1) Notwithstanding any provision of s.

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

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

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

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

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

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

143 (5) This section shall take effect upon becoming a law.

144 Section 3. This act is remedial in nature and applies
145 retroactively.

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