

By Senator Davis

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1 A bill to be entitled
2 An act relating to licenses for marijuana for personal
3 use; creating s. 381.9881, F.S.; defining terms;
4 beginning on a specified date, requiring the
5 Department of Health to authorize medical marijuana
6 treatment centers (MMTCs) to operate as marijuana
7 cultivators, processors, distributors, and retailers;
8 exempting MMTCs from specified requirements and
9 limitations for such operations; requiring the
10 department to issue a specified number of marijuana
11 cultivator, processor, distributor, and retailer
12 licenses on specified dates; specifying application
13 requirements for such licensure; limiting the size of
14 the area used for cultivation of marijuana by licensed
15 cultivators to a specified square footage; limiting
16 licensed retailers to a specified number of retail
17 locations; providing that a person or entity may hold
18 only one type of such license at any given time;
19 requiring marijuana licensees to comply with specified
20 provisions and department rules at all times;
21 requiring marijuana licensees to request department
22 approval for any material modification to their
23 operation or ownership; providing requirements for
24 such approval process; providing applicability;
25 specifying requirements for change of ownership for
26 marijuana licenses; requiring the department to
27 conduct inspections of marijuana licensees; specifying
28 requirements for such inspections; requiring the
29 department to enter into an interagency agreement with

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30 the Department of Agriculture and Consumer Services
31 for a specified purpose; authorizing the department to
32 enter into additional interagency agreements with the
33 Department of Highway Safety and Motor Vehicles and
34 the Department of Law Enforcement; requiring the
35 department to publish a list of all approved marijuana
36 licensees on its website; providing for administrative
37 penalties; authorizing the department to adopt rules;
38 preempting regulation of cultivation, processing,
39 dispensing, and delivery of marijuana by marijuana
40 licensees to the state, with an exception; providing
41 applicability; providing criminal penalties for
42 specified violations; defining the term "counterfeit";
43 providing exceptions to specified criminal violations,
44 subject to the requirements of specified provisions
45 regulating the personal use of marijuana; defining
46 terms; exempting marijuana licensees and their owners,
47 managers, and employees from specified licensure
48 requirements and regulations; providing construction;
49 providing applicability; requiring that specified
50 fines and fees be deposited in the department's Grants
51 and Donations Trust Fund; providing that certain rules
52 adopted before a specified date are not subject to
53 specified provisions; providing for future expiration
54 of a specified provision; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 381.9881, Florida Statutes, is created

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59 to read:

60 381.9881 Personal use of marijuana.-

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

62 (a) "Adult" means an individual 21 years of age or older.

63 (b) "Attractive to children" has the same meaning as in s.
64 381.986(1).

65 (c) "Cultivator" means a person or entity licensed by the
66 department to grow marijuana intended for retail sale to adults
67 for personal use.

68 (d) "Department" means the Department of Health.

69 (e) "Distributor" means a person or entity that holds a
70 license from the department to obtain marijuana from a processor
71 or another distributor and to distribute marijuana and marijuana
72 delivery devices at wholesale to retailers only, except that a
73 distributor may transfer marijuana and marijuana delivery
74 devices to another distributor for the wholesale sale to a
75 retailer.

76 (f) "Edibles" means commercially produced food items made
77 with marijuana oil, but no other form of marijuana.

78 (g) "Marijuana" means all parts of any plant of the genus
79 Cannabis, whether growing or not; the seeds thereof; the resin
80 extracted from any part of the plant; and every compound,
81 manufacture, salt, derivative, mixture, or preparation of the
82 plant or its seeds or resin.

83 (h) "Marijuana delivery device" means an object used,
84 intended for use, or designed for use in preparing, storing,
85 ingesting, inhaling, or otherwise introducing marijuana into the
86 human body.

87 (i) "Marijuana licensee" means a person or entity, other

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88 than a medical marijuana treatment center licensed under s.
89 381.986, that holds a license as a cultivator, processor,
90 distributor, or retailer.

91 (j) "Marijuana testing laboratory" means a facility that
92 collects and analyzes marijuana samples from a cultivator or
93 processor and has been certified by the department pursuant to
94 s. 381.988.

95 (k) "Medical marijuana treatment center" means a person or
96 entity licensed under s. 381.986 to cultivate, process,
97 transport, and dispense medical marijuana and marijuana delivery
98 devices.

99 (l) "Personal use" means the possession, purchase, or use
100 of marijuana or a marijuana delivery device by an adult for
101 nonmedical personal consumption by smoking, inhalation,
102 ingestion, or otherwise. For purposes of this definition, an
103 individual's possession of marijuana for personal use may not
104 exceed 2.0 ounces of marijuana, except that not more than 5
105 grams of marijuana may be in the form of concentrate. The term
106 does not include:

107 1. Possession or use of marijuana that was not purchased or
108 acquired from a retailer.

109 2. Transfer of marijuana to a person other than the adult
110 to whom it was dispensed.

111 3. Use of marijuana in the following locations:

112 a. On any form of public transportation.

113 b. In any public place.

114 c. In the adult's place of employment, except when
115 permitted by his or her employer.

116 d. In a state correctional institution as defined in s.

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117 944.02 or a correctional institution as defined in s. 944.241.

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

120 f. In a school bus, a vehicle, an aircraft, or a motorboat.

121 4. The smoking of marijuana in an enclosed indoor workplace
122 as defined in s. 386.203.

123 (m) "Processor" means a person or entity that holds a
124 license from the department to obtain marijuana from a
125 cultivator or another processor and to process such marijuana
126 into a product intended for retail sale.

127 (n) "Retailer" means a person or entity that holds a
128 license from the department to obtain marijuana from a processor
129 or distributor and to engage in the retail sale of marijuana and
130 marijuana delivery devices to adults for personal use.

131 (o) "Smoking" means burning or igniting a substance and
132 inhaling the smoke.

133 (2) LICENSURE AS A MARIJUANA LICENSEE.-

134 (a) Effective July 1, 2025, the department shall authorize
135 each medical marijuana treatment center to operate as a
136 cultivator, processor, distributor, and retailer under this
137 section. A medical marijuana treatment center is not required to
138 submit an application or pay a fee, other than any fees due
139 under s. 381.986, to obtain such authorization under this
140 section. Medical marijuana treatment centers may not be included
141 in the count of licenses issued under paragraph (b), are not
142 subject to the cultivation square footage limit in paragraph
143 (e), and are not subject to the retailer location limit in
144 paragraph (h).

145 (b) On July 1, 2025, and again on July 1, 2027, the

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146 department shall initiate an application process to issue 5
147 cultivator licenses, 5 processor licenses, 3 distributor
148 licenses, and 10 retailer licenses. The licenses issued under
149 this paragraph may not be issued to any person or entity holding
150 a medical marijuana treatment center license.

151 (c) An applicant for licensure as a marijuana licensee must
152 apply to the department on a form prescribed by department rule.
153 The department shall adopt rules pursuant to ss. 120.536(1) and
154 120.54 establishing a procedure for the issuance and biennial
155 renewal of licenses, including initial application and biennial
156 renewal fees sufficient to cover the costs of implementing and
157 administering this section. Subject to the limitations in
158 paragraph (b), the department shall issue a license to an
159 applicant if the applicant meets the requirements of this
160 section and pays the initial application fee. The department
161 shall renew the licensure of a marijuana licensee biennially if
162 the licensee meets the requirements of this section and pays the
163 biennial renewal fee. Medical marijuana treatment centers are
164 exempt from payment of the biennial renewal fee.

165 (d) An applicant for licensure as a marijuana licensee
166 must:

167 1. Demonstrate the technical and technological ability to
168 operate as a cultivator, processor, distributor, or retailer, as
169 applicable.

170 2. Demonstrate the ability to secure the premises,
171 resources, and personnel necessary to operate as a cultivator,
172 processor, distributor, or retailer, as applicable.

173 3. Demonstrate the ability to maintain accountability of
174 all marijuana and any byproducts to prevent diversion or

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175 unlawful access to or possession of such substances.

176 4. Demonstrate the financial ability to maintain operations
177 for the duration of the 2-year approval cycle, including the
178 provision of certified financial statements to the department.

179 a. Upon approval, the applicant must post a performance
180 bond in the following amount issued by an authorized surety
181 insurance company rated in one of the three highest rating
182 categories by a nationally recognized rating service:

183 (I) Cultivator license - \$500,000.

184 (II) Processor license - \$500,000.

185 (III) Distributor license - \$500,000.

186 (IV) Retailer license - \$250,000.

187 b. In lieu of the performance bond, the applicant may
188 provide an irrevocable letter of credit in the applicable amount
189 prescribed under subparagraph a., payable to the department.

190 5. Ensure all owners, officers, board members, managers,
191 and employees have passed a background screening under s.
192 381.986(9).

193 6. Use the department's seed-to-sale tracking system.

194 (e) In addition to the requirements of paragraphs (c) and
195 (d), an applicant for licensure as a cultivator must:

196 1. Possess a valid certificate of registration issued by
197 the Department of Agriculture and Consumer Services pursuant to
198 s. 581.131.

199 2. Comply with the applicable requirements of s.
200 381.986(8), and any applicable rules adopted pursuant thereto,
201 as determined by department rule.

202
203 A cultivator may not exceed 100,000 square feet of total canopy

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204 space for marijuana plants. A person or entity licensed as a
205 cultivator may not be licensed as a distributor, processor, or
206 retailer.

207 (f) In addition to the requirements of paragraphs (c) and
208 (d), an applicant for licensure as a processor must:

209 1. Demonstrate that all of its proposed processing
210 facilities have passed a Food Safety Good Manufacturing
211 Practices inspection or an equivalent inspection by a nationally
212 accredited certifying body such as the Global Food Safety
213 Initiative.

214 2. If the processor intends on producing edibles, possess a
215 permit to operate as a food establishment pursuant to chapter
216 500, the Florida Food Safety Act.

217 3. Comply with the applicable requirements of s.
218 381.986(8), and any applicable rules adopted pursuant thereto,
219 as determined by department rule.

220

221 A person or entity licensed as a processor may not be licensed
222 as a cultivator, distributor, or retailer.

223 (g) In addition to the requirements of paragraphs (c) and
224 (d), an applicant for licensure as a distributor must:

225 1. Maintain warehouse space, which is either owned or
226 leased by the distributor, of at least 2,500 square feet to
227 store marijuana and marijuana delivery devices.

228 2. Comply with the applicable requirements of s.
229 381.986(8), and any applicable rules adopted pursuant thereto,
230 as determined by department rule.

231

232 A person or entity licensed as a distributor may not be licensed

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233 as a cultivator, processor, or retailer.

234 (h) In addition to the requirements of paragraphs (c) and
235 (d), an applicant for licensure as a retailer must comply with
236 the applicable requirements of s. 381.986(8), and any applicable
237 rules adopted pursuant thereto, as determined by department
238 rule. A retailer licensee may operate up to three retail
239 locations under its license. A person or entity licensed as a
240 retailer may not be licensed as a cultivator, processor, or
241 distributor.

242 (i) A person or an entity may not have an interest in more
243 than one marijuana license at any given time.

244 (3) MODIFICATION TO OPERATIONS OR OWNERSHIP.—A marijuana
245 licensee shall, at all times, maintain compliance with the
246 requirements of this section and the applicable requirements of
247 s. 381.986 and department rules. A marijuana licensee must
248 request department approval of a material modification to its
249 operations or ownership, as determined by department rule,
250 before implementation of such modification. The department shall
251 approve a material modification upon a determination that the
252 proposed modification will comply with the requirements of this
253 section, the applicable requirements of s. 381.986, and the
254 applicable department rules. A request for approval of a
255 material modification under this subsection is governed by s.
256 120.60. Upon a medical marijuana treatment center's licensure as
257 a marijuana licensee, this subsection applies to modifications
258 to the medical marijuana treatment center's operations and
259 ownership, and the variance provisions of s. 381.986(8) no
260 longer apply.

261 (4) CHANGE OF OWNERSHIP.—A marijuana licensee may transfer

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262 ownership of the license to an individual or entity that meets
263 the requirements of this section. A publicly traded corporation
264 or publicly traded company that meets the requirements of this
265 section is not precluded from ownership of a marijuana license.
266 A change of ownership must be in accordance with the procedure
267 specified in s. 381.986(8)(e)1.

268 (5) MARIJUANA LICENSEE INSPECTIONS; ADMINISTRATIVE
269 ACTIONS.-

270 (a) The department shall conduct announced or unannounced
271 inspections of marijuana licensees to determine compliance with
272 this section and rules adopted pursuant to this section.

273 (b) Upon receiving a complaint or notice that a retailer
274 has dispensed marijuana containing mold, bacteria, or other
275 contaminant that may cause or has caused an adverse effect to
276 human health or the environment, the department shall inspect
277 all marijuana licensees involved in the cultivation, processing,
278 distributing, and retail sale of the marijuana.

279 (c) The department shall conduct at least a biennial
280 inspection of each marijuana licensee to evaluate the licensee's
281 records, personnel, equipment, processes, security measures,
282 sanitation practices, and quality assurance practices.

283 (d) The department and the Department of Agriculture and
284 Consumer Services shall enter into an interagency agreement to
285 ensure cooperation and coordination in the performance of their
286 obligations under this section and their respective regulatory
287 and authorizing laws. The department, the Department of Highway
288 Safety and Motor Vehicles, and the Department of Law Enforcement
289 may also enter into interagency agreements for the purposes
290 specified in this section.

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291 (e) The department shall publish a list of all approved
292 marijuana licensees on its website.

293 (f) The department may impose reasonable fines not to
294 exceed \$10,000 on a marijuana licensee for any of the following
295 violations:

296 1. Violating this section or an applicable department rule.

297 2. Failing to maintain qualifications for approval.

298 3. Endangering the health, safety, or welfare of an adult.

299 4. Attempting to procure a marijuana license by bribery,
300 fraudulent misrepresentation, or extortion.

301 5. Being convicted or found guilty of, or entering a plea
302 of guilty or nolo contendere to, regardless of adjudication, a
303 crime in any jurisdiction which directly relates to the business
304 of the marijuana licensee.

305 6. Making or filing a report or record that the marijuana
306 licensee knows to be false.

307 7. Willfully failing to maintain a record required by this
308 section or department rule.

309 8. Willfully impeding or obstructing an employee or agent
310 of the department in the furtherance of his or her official
311 duties.

312 9. Engaging in fraud or deceit, negligence, incompetence,
313 or misconduct in the business practices of the marijuana
314 licensee.

315 10. Making misleading, deceptive, or fraudulent
316 representations in or related to the business practices of the
317 marijuana licensee.

318 11. Having a license or the authority to engage in any
319 regulated profession, occupation, or business that is related to

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320 the business practices of the marijuana licensee suspended,
321 revoked, or otherwise acted against by the licensing authority
322 of any jurisdiction, including its agencies or subdivisions, for
323 a violation that would constitute a violation under the laws of
324 this state.

325 12. Violating a lawful order of the department or an agency
326 of the state, or failing to comply with a lawfully issued
327 subpoena of the department or an agency of the state.

328 (g) The department may suspend, revoke, or refuse to renew
329 a marijuana licensee if the licensee commits a violation
330 specified in paragraph (f).

331 (h) The department may adopt rules pursuant to ss.
332 120.536(1) and 120.54 to implement this subsection.

333 (6) PREEMPTION.—Regulation of cultivation, processing,
334 dispensing, and delivery of marijuana by marijuana licensees is
335 preempted to the state, except as provided in s. 381.986(11).
336 Section 381.986(11) applies to marijuana licensees with the same
337 force and to the same extent as to medical marijuana treatment
338 centers.

339 (7) PENALTIES.—

340 (a) A person younger than 21 years of age who fraudulently
341 represents his or her age for purposes of obtaining marijuana or
342 a marijuana delivery device for personal use commits a
343 misdemeanor of the first degree, punishable as provided in s.
344 775.082 or s. 775.083.

345 (b) A person who uses marijuana in plain view of or in a
346 place open to the general public; in a school bus, a vehicle, an
347 aircraft, or a motorboat; or on the grounds of a school, except
348 as provided in s. 1006.062, commits a misdemeanor of the first

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349 degree, punishable as provided in s. 775.082 or s. 775.083.

350 (c) Except as provided in s. 381.986, a person who
351 purchases or acquires marijuana from any person or entity other
352 than a retailer violates s. 893.13 and is subject to the
353 penalties provided therein.

354 (d) Except as provided in s. 381.986, a person or entity
355 that cultivates, processes, distributes, sells, or dispenses
356 marijuana, as defined in s. 29(b)(4), Art. X of the State
357 Constitution, and is not properly licensed as a marijuana
358 licensee violates s. 893.13 and is subject to the penalties
359 provided therein.

360 (e) A person who manufactures, distributes, sells, gives,
361 or possesses with the intent to manufacture, distribute, sell,
362 or give marijuana or a marijuana delivery device that he or she
363 holds out to have originated from a marijuana licensee but that
364 is counterfeit commits a felony of the third degree, punishable
365 as provided in s. 775.082, s. 775.083, or s. 775.084. For
366 purposes of this paragraph, the term "counterfeit" means
367 marijuana; a marijuana delivery device; or a marijuana or
368 marijuana delivery device container, seal, or label that,
369 without authorization, bears the trademark, trade name, or other
370 identifying mark, imprint, or device, or any likeness thereof,
371 of a marijuana licensee and that thereby falsely purports or is
372 represented to be the product of that marijuana licensee.

373 (8) EXCEPTIONS TO OTHER LAWS.—

374 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
375 any other law, but subject to the requirements of this section,
376 an adult may obtain from a retailer, use, and possess at any
377 given time marijuana delivery devices and up to 2.0 ounces of

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378 marijuana for personal use, except that no more than 5 grams of
379 marijuana may be in the form of concentrate, and all marijuana
380 obtained must remain in its original packaging.

381 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
382 any other law, but subject to the requirements of this section,
383 a marijuana licensee and its owners, managers, and employees may
384 manufacture, possess, sell, deliver, distribute, dispense, or
385 lawfully dispose of marijuana or a marijuana delivery device in
386 accordance with the applicable license and the requirements of
387 this section, s. 381.988, and department rule. For the purposes
388 of this subsection, the terms "deliver," "distribute,"
389 "dispense" "manufacture," and "possession," have the same
390 meanings as provided in s. 893.02.

391 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
392 any other law, but subject to the requirements of this section,
393 a certified marijuana testing laboratory, including an employee
394 of a certified marijuana testing laboratory acting within the
395 scope of his or her employment, may acquire, possess, test,
396 transport, and lawfully dispose of marijuana as provided in this
397 section, in s. 381.988, and by department rule.

398 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
399 any other law, but subject to the requirements of this section,
400 the department, including an employee of the department acting
401 within the scope of his or her employment, may acquire, possess,
402 test, transport, and lawfully dispose of marijuana and marijuana
403 delivery devices as provided in this section, in s. 381.988, and
404 by department rule.

405 (e) A marijuana licensee and its owners, managers, and
406 employees are not subject to licensure or regulation under

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407 chapter 465 or chapter 499 for manufacturing, possessing,
408 selling, delivering, distributing, dispensing, or lawfully
409 disposing of marijuana or a marijuana delivery device, as
410 provided in this section, in s. 381.988, and by department rule.

411 (f) This subsection does not exempt a person from
412 prosecution for a criminal offense related to impairment or
413 intoxication resulting from the personal use of marijuana or
414 relieve a person from any requirement under law to submit to a
415 breath, blood, urine, or other test to detect the presence of a
416 controlled substance.

417 (9) APPLICABILITY.—Section 381.986(13) and (15) apply to
418 this section.

419 (10) FINES AND FEES.—Fines and fees collected by the
420 department under this section must be deposited in the Grants
421 and Donations Trust Fund within the department.

422 (11) RULES.—Rules adopted pursuant to this section before
423 July 1, 2026, are not subject to ss. 120.54(3)(b) and 120.541.
424 This subsection expires July 1, 2026.

425 Section 2. This act shall take effect July 1, 2025.