

By Senator Smith

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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 specified MMTC
14 registration form; providing 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 at 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 but providing that the licensee is
27 ultimately responsible for all operations relating to
28 the cultivation and processing and for maintaining
29 physical possession of the marijuana at all times;

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30 requiring work done by contractors to be performed at
31 permitted facilities; requiring licensees using a
32 contractor to register the contractor's principals and
33 employees; providing that such principals and
34 employees may not begin participating in the
35 operations until they have received an identification
36 card from the department; providing for the
37 destruction of certain marijuana byproducts within a
38 specified timeframe after their production;
39 authorizing MMTCs licensed to cultivate and process
40 marijuana to sell marijuana at wholesale to other
41 registered MMTCs only if certain conditions are met;
42 prohibiting an MMTC from transporting or delivering
43 marijuana outside of its property without a
44 transportation license; providing requirements for the
45 cultivation and processing of marijuana; deleting a
46 requirement that each MMTC produce and make available
47 for purchase at least one low-THC cannabis product;
48 deleting certain tetrahydrocannabinol limits for
49 edibles; requiring an MMTC that holds a license for
50 processing to test marijuana before it is sold in
51 addition to when it is dispensed; deleting obsolete
52 language; revising packaging requirements for
53 marijuana and edibles; providing application
54 requirements for an MMTC to obtain a retail license;
55 providing for the expiration and renewal of such
56 license; requiring an MMTC to obtain a facility permit
57 before selling, dispensing, or storing marijuana in a
58 facility; requiring an MMTC to cease certain

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59 operations in a facility under certain circumstances;
60 prohibiting a dispensing facility from repackaging or
61 modifying marijuana that has already been packaged for
62 sale; providing exceptions; authorizing a retail
63 licensee to contract with an MMTC that has a
64 transportation license to transport marijuana for the
65 retail licensee under certain circumstances;
66 prohibiting onsite consumption or administration of
67 marijuana at a dispensing facility; revising
68 requirements for the dispensing of marijuana by an
69 MMTC licensed for retail; requiring an MMTC licensed
70 for retail to include specified information on the
71 label for marijuana or a marijuana delivery device
72 dispensed to a qualified patient or caregiver;
73 authorizing an MMTC to sell marijuana to an adult 21
74 years of age or older under certain circumstances;
75 requiring MMTC employees to verify the age of such
76 buyers using specified methods; prohibiting an MMTC
77 from requesting or storing any personal information of
78 a buyer other than that needed to verify the buyer's
79 age; revising a provision prohibiting an MMTC from
80 dispensing or selling specified products; revising
81 safety and security requirements for MMTCs; providing
82 application requirements for an MMTC to obtain a
83 transportation license; prohibiting the transportation
84 of marijuana on certain properties; requiring the
85 transportation of marijuana only in vehicles owned or
86 leased by a licensee or the licensee's contractor and
87 appropriately permitted by the department; providing a

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88 process and requirements for obtaining a vehicle
89 permit; requiring MMTCs to designate a registered
90 employee or contract employee as the driver for each
91 permitted vehicle; requiring the designation to be
92 displayed in the vehicle at all times; requiring that
93 each permitted vehicle be GPS-monitored; providing for
94 the expiration and cancellation of vehicle permits;
95 specifying that a permitted vehicle transporting
96 marijuana is subject to inspection and search without
97 a search warrant by specified persons; authorizing an
98 MMTC licensed to transport marijuana and marijuana
99 delivery devices to deliver or contract for the
100 delivery of marijuana and marijuana delivery devices
101 to other MMTCs within this state, to qualified
102 patients and caregivers within this state, and to
103 adults 21 years of age or older within this state;
104 specifying that a county or municipality may not
105 prohibit deliveries of marijuana or marijuana delivery
106 devices to qualified patients and caregivers within
107 the county or municipality; requiring an MMTC
108 delivering marijuana or a marijuana delivery device to
109 a qualified patient or his or her caregiver to verify
110 the identity of the qualified patient; requiring an
111 MMTC or its contractor delivering marijuana to an
112 adult 21 years of age or older to verify his or her
113 age; providing requirements for such verification;
114 requiring the department to adopt certain rules for
115 the delivery of marijuana; authorizing MMTCs to use
116 contractors to assist with the transportation of

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117 marijuana; specifying that an MMTC is responsible for
118 a contractor's actions and operations related to the
119 transportation of marijuana; requiring an MMTC to know
120 the location of all of its marijuana products at all
121 times; requiring principals and employees of a
122 contractor to register with the department and receive
123 an MMTC employee identification card before
124 participating in the operations of an MMTC; providing
125 for the permitting of cultivation, processing,
126 dispensing, and storage facilities; requiring the
127 department to adopt by rule a facility permit
128 application form; requiring the department to inspect
129 a facility before issuing a permit; requiring the
130 department to issue or deny a facility permit within a
131 specified timeframe; providing for the expiration of
132 facility permits; requiring the department to inspect
133 a facility for compliance before the renewal of a
134 facility permit; requiring an MMTC to cease applicable
135 operations if a facility's permit expires or is
136 suspended or revoked until the department takes
137 certain actions; requiring cultivation facilities and
138 processing facilities to be insured with specified
139 hazard and liability insurance; providing requirements
140 for the location of cultivation facilities and
141 processing facilities; preempting to the state all
142 matters regarding the permitting and regulation of
143 cultivation facilities and processing facilities;
144 requiring dispensing facilities and storage facilities
145 to be insured with specified hazard and liability

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146 insurance; providing requirements for the location of
147 dispensing facilities and storage facilities;
148 clarifying that the governing body of a county or a
149 municipality may prohibit or limit the number of
150 dispensing facilities located within its jurisdiction
151 but may not prohibit a licensed retail MMTC or its
152 permitted storage facility from being located in such
153 county's or municipality's jurisdiction if the MMTC is
154 delivering marijuana to qualified patients in that
155 jurisdiction; prohibiting counties and municipalities
156 from requiring, requesting, or accepting financial
157 contributions or similar benefits from MMTCs, except
158 for levying local business taxes; prohibiting the
159 department from issuing a facility permit for a
160 dispensing facility in a county or municipality that
161 adopts a specified ordinance; authorizing a county or
162 municipality to levy a local tax on a dispensing
163 facility; providing that local ordinances may not
164 result in or provide for certain outcomes; authorizing
165 the department to adopt specified requirements by
166 rule; requiring the department to adopt rules to
167 administer the registration of certain MMTC
168 principals, employees, and contractors; requiring an
169 MMTC to apply to the department for the registration
170 of certain persons before hiring or contracting with
171 such persons; requiring the department to adopt by
172 rule a registration form that includes specified
173 information; requiring the department to register
174 persons who satisfy specified conditions and issue

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175 them MMTC employee identification cards; providing
176 requirements for the identification cards; requiring a
177 registered person and the MMTC to update the
178 department within a specified timeframe if certain
179 information or the person's employment status changes;
180 authorizing the department to contract with vendors to
181 issue MMTC employee identification cards; requiring
182 the department to inspect an MMTC and its facilities
183 upon receipt of a complaint and to inspect each
184 permitted facility at least biennially; authorizing
185 the department to conduct additional inspections of a
186 facility under certain circumstances; revising
187 administrative penalties; authorizing the department
188 to suspend, revoke, or refuse to renew an MMTC's
189 registration, operating licenses, vehicle permits, or
190 facility permits for violating certain provisions;
191 requiring the department to refuse to renew an MMTC's
192 cultivation, processing, retail, or transportation
193 license under certain circumstances; revising
194 provisions related to criminal and civil penalties and
195 fees to conform to changes made by the act; providing
196 applicability; deleting obsolete language; creating s.
197 381.990, F.S.; authorizing a person 21 years of age or
198 older to purchase marijuana products, marijuana in a
199 form for smoking, and marijuana delivery devices under
200 certain circumstances; providing that such products be
201 purchased from an MMTC licensed by the department for
202 the retail sale of marijuana and registered with the
203 Department of Business and Professional Regulation for

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204 sale of marijuana for adult use; providing for
205 criminal penalties; authorizing a person 21 years of
206 age or older to possess, use, transport, or transfer
207 to another person 21 years of age or older marijuana
208 products, marijuana in a form for smoking, and
209 marijuana delivery devices under certain
210 circumstances; providing limitations and criminal
211 penalties; clarifying that a private property owner
212 may restrict the smoking or vaping of marijuana on his
213 or her property but a landlord may not prevent his or
214 her tenants from possessing or using marijuana by
215 other means; providing that certain provisions do not
216 exempt a person from prosecution for a criminal
217 offense related to impairment or intoxication
218 resulting from the use of marijuana and do not relieve
219 a person from any legal requirement to submit to
220 certain tests to detect the presence of a controlled
221 substance; requiring the Department of Agriculture and
222 Consumer Services, by a specified date, to adopt rules
223 regulating the cultivation of marijuana by members of
224 the public for their private use, including the use of
225 a specified model for cultivation; amending s. 893.13,
226 F.S.; authorizing a person 21 years of age or older to
227 deliver marijuana products to another person 21 years
228 of age or older and to possess marijuana products in a
229 specified amount under certain circumstances;
230 providing criminal penalties for the delivery or
231 possession of marijuana products by a person younger
232 than 21 years of age under certain circumstances;

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233 creating s. 893.1352, F.S.; providing legislative
234 intent; providing construction; providing for the
235 retroactive applicability of s. 893.13, F.S.;

236 requiring certain sentences for specified offenses;
237 requiring sentence review hearings for individuals
238 serving certain sentences for specified crimes, if
239 requested; providing requirements for sentence review
240 and resentencing; requiring the waiver of certain
241 conviction-related fines, fees, and costs under
242 certain circumstances; amending s. 893.147, F.S.;

243 authorizing a person 21 years of age or older to
244 possess, use, transport, or deliver, without
245 consideration, a marijuana delivery device to another
246 person 21 years of age or older; providing criminal
247 penalties for the possession, use, transport, or
248 delivery, without consideration, of a marijuana
249 delivery device by a person younger than 21 years of
250 age under certain circumstances; creating s. 943.0586,
251 F.S.; defining terms; authorizing an individual
252 convicted of certain crimes to petition the court for
253 expunction of his or her criminal history record under
254 specified circumstances; requiring such individual to
255 first obtain a certificate of eligibility for
256 expunction from the Department of Law Enforcement;
257 requiring the Department of Law Enforcement to adopt
258 rules establishing the procedures for applying for and
259 issuing such certificates; requiring the Department of
260 Law Enforcement to issue a certificate of eligibility
261 for expunction under specified circumstances;

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262 providing that the certificate is valid for a
263 specified timeframe; providing for reapplication for
264 such certificate; providing requirements for the
265 petition for expunction; providing criminal penalties;
266 providing for the court's authority over its own
267 procedures, with an exception; requiring the court to
268 order the expunction of a criminal history record
269 under certain circumstances; clarifying that
270 expunction of certain criminal history records does
271 not affect eligibility for expunction of other
272 criminal history records; providing requirements for
273 processing expunction petitions and orders; providing
274 that expunction orders that do not comply with
275 specified provisions are not required to be acted on;
276 providing a process to remedy any such noncompliance;
277 providing that no cause of action may rise against any
278 criminal justice agency for failure to act on such an
279 expunction order during the noncompliance; providing
280 that a person granted an expunction may lawfully deny
281 or fail to acknowledge the underlying arrest or
282 conviction, with exceptions; providing that a person
283 may not be deemed to have committed perjury or
284 otherwise held liable for giving a false statement if
285 he or she fails to recite or acknowledge an expunged
286 criminal history record; amending s. 893.15, F.S.;

287 conforming a provision to changes made by the act;
288 providing effective dates.

289

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

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

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

(2) EXEMPTIONS; MEDICAL.—

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

Section 2. Paragraphs (e) through (i), (k), and (l) of subsection (1), paragraph (b) of subsection (3), paragraph (f) of subsection (4), paragraphs (a) and (f) of subsection (5), paragraph (b) of subsection (6), subsections (8) through (12), paragraphs (a), (b), (c), and (f) of subsection (14), and subsection (17) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(e) “Edibles” means commercially produced food items made with marijuana oil, but no other form of marijuana, which ~~that~~ are produced and dispensed by a medical marijuana treatment center (MMTC).

(f) “Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of

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320 tetrahydrocannabinol and more than 10 percent of cannabidiol
321 weight for weight; the seeds thereof; the resin extracted from
322 any part of such plant; or any compound, manufacture, salt,
323 derivative, mixture, or preparation of such plant or its seeds
324 or resin which ~~that~~ is dispensed from an MMTC ~~a medical~~
325 ~~marijuana treatment center~~.

326 (g) "Marijuana" means all parts of any plant of the genus
327 *Cannabis*, whether growing or not; the seeds thereof; the resin
328 extracted from any part of the plant; and every compound,
329 manufacture, salt, derivative, mixture, or preparation of the
330 plant or its seeds or resin, including low-THC cannabis, which
331 is ~~are~~ dispensed from an MMTC ~~a medical marijuana treatment~~
332 ~~center~~ for medical use by a qualified patient.

333 (h) "Marijuana delivery device" means an object used,
334 intended for use, or designed for use in preparing, storing,
335 ingesting, inhaling, or otherwise introducing marijuana into the
336 human body, ~~and~~ which object is dispensed from an MMTC ~~a medical~~
337 ~~marijuana treatment center~~ for medical use by a qualified
338 patient; however, such objects ~~except that delivery devices~~
339 intended solely for the medical use of marijuana by smoking need
340 not be dispensed from an MMTC and ~~a medical marijuana treatment~~
341 ~~center in order to~~ qualify as marijuana delivery devices.

342 (i) "Marijuana testing laboratory" means a facility
343 certified by the department pursuant to s. 381.988 which ~~that~~
344 collects and analyzes marijuana samples from an MMTC ~~a medical~~
345 ~~marijuana treatment center and has been certified by the~~
346 ~~department pursuant to s. 381.988.~~

347 (k) "Medical use" means the acquisition, possession, use,
348 delivery, transfer, or administration of marijuana authorized by

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349 a physician certification. The term does not include:

350 1. Possession, use, or administration of marijuana that was
351 not purchased or acquired from an MMTC ~~a medical marijuana~~
352 ~~treatment center~~.

353 2. Possession, use, or administration of marijuana in the
354 form of commercially produced food items other than edibles or
355 of marijuana seeds.

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

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

362 5. Use or administration of marijuana in the following
363 locations:

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

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

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

370 d. In a state correctional institution, as defined in s.
371 944.02, or a correctional institution, as defined in s. 944.241.

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

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

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

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378 (1) "Physician certification" means a qualified physician's
379 authorization for a qualified patient to receive marijuana and a
380 marijuana delivery device from an MMTC ~~a medical marijuana~~
381 ~~treatment center~~.

382 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

383 (b) A qualified physician may not be employed by, or have
384 any direct or indirect economic interest in, an MMTC ~~a medical~~
385 ~~marijuana treatment center~~ or a marijuana testing laboratory.

386 (4) PHYSICIAN CERTIFICATION.—

387 (f) A qualified physician may not issue a physician
388 certification for more than three 70-day supply limits of
389 marijuana or more than six 35-day supply limits of marijuana in
390 a form for smoking. The department shall quantify by rule a
391 daily dose amount with equivalent dose amounts for each
392 allowable form of marijuana dispensed by an MMTC ~~a medical~~
393 ~~marijuana treatment center~~. The department shall use the daily
394 dose amount to calculate a 70-day supply.

395 1. A qualified physician may request an exception to the
396 daily dose amount limit, the 35-day supply limit of marijuana in
397 a form for smoking, and the 4-ounce possession limit of
398 marijuana in a form for smoking established in paragraph
399 (14)(a). The request must ~~shall~~ be made electronically on a form
400 adopted by the department in rule and must include, at a
401 minimum:

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

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

405 c. A description of how the patient will benefit from an
406 increased amount.

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407 d. The minimum daily dose amount of marijuana that would be
408 sufficient for the treatment of the qualified patient's
409 qualifying medical condition.

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

412 3. The department shall approve or disapprove the request
413 within 14 days after receipt of the complete documentation
414 required by this paragraph. The request is ~~shall be~~ deemed
415 approved if the department fails to act within this time period.

416 (5) MEDICAL MARIJUANA USE REGISTRY.—

417 (a) The department shall create and maintain a secure,
418 electronic, and online medical marijuana use registry for
419 physicians, patients, and caregivers as provided under this
420 section. The medical marijuana use registry must be accessible
421 to law enforcement agencies, qualified physicians, and MMTCs
422 ~~medical marijuana treatment centers~~ to verify the authorization
423 of a qualified patient or a caregiver to possess marijuana or a
424 marijuana delivery device and record the marijuana or marijuana
425 delivery device dispensed. The medical marijuana use registry
426 must also be accessible to practitioners licensed to prescribe
427 prescription drugs to ensure proper care for patients before
428 medications that may interact with the medical use of marijuana
429 are prescribed. The medical marijuana use registry must prevent
430 an active registration of a qualified patient by multiple
431 physicians.

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

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436 (6) CAREGIVERS.—

437 (b) A caregiver must:

438 1. Not be a qualified physician and not be employed by or
439 have an economic interest in an MMTC ~~a medical marijuana~~
440 ~~treatment center~~ or a marijuana testing laboratory.

441 2. Be 21 years of age or older and a resident of this
442 state.

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

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

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

452 6. Pass a level 2 background screening pursuant to chapter
453 435 ~~subsection (9)~~, unless the patient is a close relative of
454 the caregiver. In addition to the disqualifying offenses
455 specified in s. 435.04(2) and (3), a person may not serve as a
456 caregiver if he or she has an arrest awaiting final disposition
457 for; has been found guilty of, regardless of adjudication; or
458 has entered a plea of nolo contendere or guilty to an offense
459 under chapter 837, chapter 895, or chapter 896 or a similar law
460 of another jurisdiction.

461 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

462 (a) ~~The department shall license medical marijuana~~
463 ~~treatment centers to ensure reasonable statewide accessibility~~
464 ~~and availability as necessary for qualified patients registered~~

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465 ~~in the medical marijuana use registry and who are issued a~~
466 ~~physician certification under this section.~~

467 ~~1. As soon as practicable, but no later than July 3, 2017,~~
468 ~~the department shall license as a medical marijuana treatment~~
469 ~~center any entity that holds an active, unrestricted license to~~
470 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
471 ~~medical cannabis, and cannabis delivery devices, under former s.~~
472 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
473 ~~meets the requirements of this section. In addition to the~~
474 ~~authority granted under this section, these entities are~~
475 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
476 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
477 ~~Florida Statutes 2016, which were entered into the compassionate~~
478 ~~use registry before July 1, 2017, and are authorized to begin~~
479 ~~dispensing marijuana under this section on July 3, 2017. The~~
480 ~~department may grant variances from the representations made in~~
481 ~~such an entity's original application for approval under former~~
482 ~~s. 381.986, Florida Statutes 2014, pursuant to paragraph (c).~~

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

486 ~~a. As soon as practicable, but no later than August 1,~~
487 ~~2017, the department shall license any applicant whose~~
488 ~~application was reviewed, evaluated, and scored by the~~
489 ~~department and which was denied a dispensing organization~~
490 ~~license by the department under former s. 381.986, Florida~~
491 ~~Statutes 2014; which had one or more administrative or judicial~~
492 ~~challenges pending as of January 1, 2017, or had a final ranking~~
493 ~~within one point of the highest final ranking in its region~~

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494 ~~under former s. 381.986, Florida Statutes 2014; which meets the~~
495 ~~requirements of this section; and which provides documentation~~
496 ~~to the department that it has the existing infrastructure and~~
497 ~~technical and technological ability to begin cultivating~~
498 ~~marijuana within 30 days after registration as a medical~~
499 ~~marijuana treatment center.~~

500 ~~b. As soon as practicable, the department shall license one~~
501 ~~applicant that is a recognized class member of *Pigford v.*~~
502 ~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*~~
503 ~~*Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed~~
504 ~~under this sub-subparagraph is exempt from the requirement of~~
505 ~~subparagraph (b)2. An applicant that applies for licensure under~~
506 ~~this sub-subparagraph, pays its initial application fee, is~~
507 ~~determined by the department through the application process to~~
508 ~~qualify as a recognized class member, and is not awarded a~~
509 ~~license under this sub-subparagraph may transfer its initial~~
510 ~~application fee to one subsequent opportunity to apply for~~
511 ~~licensure under subparagraph 4.~~

512 ~~e. As soon as practicable, but no later than October 3,~~
513 ~~2017, the department shall license applicants that meet the~~
514 ~~requirements of this section in sufficient numbers to result in~~
515 ~~10 total licenses issued under this subparagraph, while~~
516 ~~accounting for the number of licenses issued under sub-~~
517 ~~subparagraphs a. and b.~~

518 ~~3. For up to two of the licenses issued under subparagraph~~
519 ~~2., the department shall give preference to applicants that~~
520 ~~demonstrate in their applications that they own one or more~~
521 ~~facilities that are, or were, used for the canning,~~
522 ~~concentrating, or otherwise processing of citrus fruit or citrus~~

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523 ~~molasses and will use or convert the facility or facilities for~~
524 ~~the processing of marijuana.~~

525 ~~4. Within 6 months after the registration of 100,000 active~~
526 ~~qualified patients in the medical marijuana use registry, the~~
527 ~~department shall license four additional medical marijuana~~
528 ~~treatment centers that meet the requirements of this section.~~
529 ~~Thereafter, the department shall license four medical marijuana~~
530 ~~treatment centers within 6 months after the registration of each~~
531 ~~additional 100,000 active qualified patients in the medical~~
532 ~~marijuana use registry that meet the requirements of this~~
533 ~~section.~~

534 ~~(b) An applicant for licensure as a medical marijuana~~
535 ~~treatment center shall apply to the department on a form~~
536 ~~prescribed by the department and adopted in rule. The department~~
537 ~~shall adopt rules pursuant to ss. 120.536(1) and 120.54~~
538 ~~establishing a procedure for the issuance and biennial renewal~~
539 ~~of licenses, including initial application and biennial renewal~~
540 ~~fees sufficient to cover the costs of implementing and~~
541 ~~administering this section, and establishing supplemental~~
542 ~~licensure fees for payment beginning May 1, 2018, sufficient to~~
543 ~~cover the costs of administering ss. 381.989 and 1004.4351. The~~
544 ~~department shall identify applicants with strong diversity plans~~
545 ~~reflecting this state's commitment to diversity and implement~~
546 ~~training programs and other educational programs to enable~~
547 ~~minority persons and minority business enterprises, as defined~~
548 ~~in s. 288.703, and veteran business enterprises, as defined in~~
549 ~~s. 295.187, to compete for medical marijuana treatment center~~
550 ~~licensure and contracts. Subject to the requirements in~~
551 ~~subparagraphs (a)2. 4., the department shall issue a license to~~

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552 ~~an applicant if the applicant meets the requirements of this~~
553 ~~section and pays the initial application fee. The department~~
554 ~~shall renew the licensure of a medical marijuana treatment~~
555 ~~center biennially if the licensee meets the requirements of this~~
556 ~~section and pays the biennial renewal fee. However, the~~
557 ~~department may not renew the license of a medical marijuana~~
558 ~~treatment center that has not begun to cultivate, process, and~~
559 ~~dispense marijuana by the date that the medical marijuana~~
560 ~~treatment center is required to renew its license. An individual~~
561 ~~may not be an applicant, owner, officer, board member, or~~
562 ~~manager on more than one application for licensure as a medical~~
563 ~~marijuana treatment center. An individual or entity may not be~~
564 ~~awarded more than one license as a medical marijuana treatment~~
565 ~~center. An applicant for licensure as a medical marijuana~~
566 ~~treatment center must demonstrate:~~

567 ~~1. That, for the 5 consecutive years before submitting the~~
568 ~~application, the applicant has been registered to do business in~~
569 ~~the state.~~

570 ~~2. Possession of a valid certificate of registration issued~~
571 ~~by the Department of Agriculture and Consumer Services pursuant~~
572 ~~to s. 581.131.~~

573 ~~3. The technical and technological ability to cultivate and~~
574 ~~produce marijuana, including, but not limited to, low-THC~~
575 ~~cannabis.~~

576 ~~4. The ability to secure the premises, resources, and~~
577 ~~personnel necessary to operate as a medical marijuana treatment~~
578 ~~center.~~

579 ~~5. The ability to maintain accountability of all raw~~
580 ~~materials, finished products, and any byproducts to prevent~~

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581 ~~diversion or unlawful access to or possession of these~~
582 ~~substances.~~

583 ~~6. An infrastructure reasonably located to dispense~~
584 ~~marijuana to registered qualified patients statewide or~~
585 ~~regionally as determined by the department.~~

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

589 ~~a. Upon approval, the applicant must post a \$5 million~~
590 ~~performance bond issued by an authorized surety insurance~~
591 ~~company rated in one of the three highest rating categories by a~~
592 ~~nationally recognized rating service. However, a medical~~
593 ~~marijuana treatment center serving at least 1,000 qualified~~
594 ~~patients is only required to maintain a \$2 million performance~~
595 ~~bond.~~

596 ~~b. In lieu of the performance bond required under sub-~~
597 ~~paragraph a., the applicant may provide an irrevocable letter~~
598 ~~of credit payable to the department or provide cash to the~~
599 ~~department. If provided with cash under this sub-paragraph,~~
600 ~~the department shall deposit the cash in the Grants and~~
601 ~~Donations Trust Fund within the Department of Health, subject to~~
602 ~~the same conditions as the bond regarding requirements for the~~
603 ~~applicant to forfeit ownership of the funds. If the funds~~
604 ~~deposited under this sub-paragraph generate interest, the~~
605 ~~amount of that interest shall be used by the department for the~~
606 ~~administration of this section.~~

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

609 ~~9. The employment of a medical director to supervise the~~

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610 ~~activities of the medical marijuana treatment center.~~

611 ~~10. A diversity plan that promotes and ensures the~~
 612 ~~involvement of minority persons and minority business~~
 613 ~~enterprises, as defined in s. 288.703, or veteran business~~
 614 ~~enterprises, as defined in s. 295.187, in ownership, management,~~
 615 ~~and employment. An applicant for licensure renewal must show the~~
 616 ~~effectiveness of the diversity plan by including the following~~
 617 ~~with his or her application for renewal:~~

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

620 ~~b. Efforts to recruit minority persons and veterans for~~
 621 ~~employment; and~~

622 ~~c. A record of contracts for services with minority~~
 623 ~~business enterprises and veteran business enterprises.~~

624 ~~(c) A medical marijuana treatment center may not make a~~
 625 ~~wholesale purchase of marijuana from, or a distribution of~~
 626 ~~marijuana to, another medical marijuana treatment center, unless~~
 627 ~~the medical marijuana treatment center seeking to make a~~
 628 ~~wholesale purchase of marijuana submits proof of harvest failure~~
 629 ~~to the department.~~

630 ~~(d) Department responsibilities.~~—The department shall do
 631 all of the following:

632 1. Adopt by rule all of the following:

633 a. Operating standards for the cultivation, processing,
 634 packaging, and labeling of marijuana.

635 b. Standards for the sale of marijuana.

636 c. Procedures and requirements for all of the following:

637 (I) The registration and registration renewal of MMTCs.

638 (II) The issuance and renewal of cultivation, processing,

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639 retail, and transportation operating licenses.

640 (III) The issuance and renewal of cultivation, processing,
641 dispensing, and storage facility permits and vehicle permits.

642 (IV) The registration of all principals, employees, and
643 contractors of an MMTC who will participate in the operations of
644 the MMTC.

645 (V) The issuance of MMTC employee identification cards to
646 registered principals, employees, and contractors of MMTCs.

647 2. Establish, maintain, and control a computer software
648 tracking system that traces marijuana from seed to sale and
649 allows real-time, 24-hour access by the department to data from
650 all MMTCs ~~medical marijuana treatment centers~~ and marijuana
651 testing laboratories. The tracking system must allow for
652 integration of other seed-to-sale systems and, at a minimum,
653 include notification of when marijuana seeds are planted, when
654 marijuana plants are harvested and destroyed, and when marijuana
655 is transported, sold, stolen, diverted, or lost. Each MMTC
656 ~~medical marijuana treatment center~~ shall use the seed-to-sale
657 tracking system established by the department or integrate its
658 own seed-to-sale tracking system with the seed-to-sale tracking
659 system established by the department. Each MMTC ~~medical~~
660 ~~marijuana treatment center~~ may use its own seed-to-sale system
661 until the department establishes a seed-to-sale tracking system.
662 The department may contract with a vendor to establish the seed-
663 to-sale tracking system. The vendor selected by the department
664 may not have a contractual relationship with the department to
665 perform any services pursuant to this section other than the
666 seed-to-sale tracking system. The vendor may not have a direct
667 or indirect financial interest in an MMTC ~~a medical marijuana~~

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668 ~~treatment center~~ or a marijuana testing laboratory.

669 (b) Registration.—

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

672 a. The applicant's full legal name.

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

676 c. The name, address, and date of birth of each of the
677 applicant's principals.

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

681 e. The operation or operations in which the applicant
682 intends to engage, which may include one or more of the
683 following:

684 (I) Cultivation.

685 (II) Processing.

686 (III) Retail sales.

687 (IV) Transportation.

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

690 a. The applicant's completed registration form.

691 b. Personnel registration forms, as described in subsection
692 (9), for all principals, employees, and contractors listed on
693 the applicant's registration form who will participate in the
694 operations of the MMTC. The department may not register the
695 applicant as an MMTC until all principals, employees, and
696 contractors listed on the applicant's registration form have

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697 registered with the department and are issued MMTC employee
698 identification cards.

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

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

705 e. Proof of the applicant's financial ability to maintain
706 operations for the duration of the registration.

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

711 (I) Registration requirements in this paragraph during the
712 registration period; or

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

716 3. A registration expires 2 years after the date it is
717 issued.

718 4. In addition to obtaining registration pursuant to this
719 paragraph, an MMTC must obtain an operating license for each
720 operation it will perform as provided in paragraph (c),
721 paragraph (d), or paragraph (f), as applicable.

722 (c) Cultivation licenses and processing licenses.-

723 1. A registered MMTC may apply for a cultivation license or
724 a processing license. When applying, the MMTC must provide the
725 department with, at a minimum, all of the following:

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- 726 a. A completed cultivation license or processing license
727 application form.
- 728 b. The physical address of each location where marijuana
729 will be cultivated, processed, or stored.
- 730 c. As applicable to the requested license or licenses:
731 (I) Proof of an established infrastructure, or the ability
732 to establish an infrastructure in a reasonable amount of time,
733 that is designed for cultivation, processing, testing,
734 packaging, and labeling marijuana; proof of the ability to
735 maintain the infrastructure's security; and proof of the ability
736 to prevent the theft or diversion of any marijuana.
- 737 (II) Proof that the applicant has the technical and
738 technological ability to cultivate and test or process and test
739 marijuana.
- 740 d. Proof of operating procedures designed to secure and
741 maintain accountability for all marijuana and marijuana-related
742 byproducts that come into the applicant's possession and to
743 comply with the required seed-to-sale tracking system.
- 744 2. Cultivation licenses and processing licenses expire 2
745 years after the date they are issued. To renew a license, the
746 licensee must meet all of the requirements for initial
747 licensure; must provide all of the documentation required under
748 subparagraph 1.; and may not have any uncorrected substantial
749 violation of the standards adopted by department rule for the
750 cultivation, processing, testing, packaging, and labeling of
751 marijuana.
- 752 3. Before beginning cultivation or processing at any
753 location, the licensee must obtain a facility permit from the
754 department for that location pursuant to paragraph (g).

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755 4. A licensee under this subsection may use contractors to
756 assist with the cultivation or processing of marijuana, as
757 applicable, but the licensee is ultimately responsible for all
758 of the operations performed by each contractor relating to the
759 cultivation or processing of marijuana and is responsible for
760 maintaining physical possession of the marijuana at all times.
761 All work done by a contractor must be performed at a location
762 that has a facility permit issued by the department. A licensee
763 using a contractor must register any principal or employee of a
764 contractor who will be participating in the operations of the
765 licensee as provided in subsection (9). Such principal or
766 employee may not begin participating in the operations of the
767 licensee until he or she has received an MMTC employee
768 identification card from the department.

769 5. All marijuana byproducts that cannot be processed or
770 reprocessed must be destroyed by the cultivation licensee or the
771 processing licensee or their respective contractors within 30
772 days after the production of the byproducts.

773 6. A licensee under this subsection may sell marijuana at
774 wholesale only to other registered MMTCs. Before selling
775 marijuana at wholesale, the selling MMTC shall provide the
776 purchasing MMTC with documentation showing that the marijuana
777 meets the testing, packaging, and labeling requirements of this
778 section. The purchasing MMTC shall review such documentation to
779 determine whether the marijuana is in compliance with this
780 section before taking possession of the marijuana.

781 7. Transportation or delivery of marijuana outside of the
782 property owned by a licensee under this subsection may be
783 performed only by an MMTC that holds a transportation license

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784 issued pursuant to paragraph (f)

785 ~~(e) A licensed medical marijuana treatment center shall~~
786 ~~cultivate, process, transport, and dispense marijuana for~~
787 ~~medical use. A licensed medical marijuana treatment center may~~
788 ~~not contract for services directly related to the cultivation,~~
789 ~~processing, and dispensing of marijuana or marijuana delivery~~
790 ~~devices, except that a medical marijuana treatment center~~
791 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
792 ~~single entity for the cultivation, processing, transporting, and~~
793 ~~dispensing of marijuana and marijuana delivery devices. A~~
794 ~~licensed medical marijuana treatment center must, at all times,~~
795 ~~maintain compliance with the criteria demonstrated and~~
796 ~~representations made in the initial application and the criteria~~
797 ~~established in this subsection. Upon request, the department may~~
798 ~~grant a medical marijuana treatment center a variance from the~~
799 ~~representations made in the initial application. Consideration~~
800 ~~of such a request shall be based upon the individual facts and~~
801 ~~circumstances surrounding the request. A variance may not be~~
802 ~~granted unless the requesting medical marijuana treatment center~~
803 ~~can demonstrate to the department that it has a proposed~~
804 ~~alternative to the specific representation made in its~~
805 ~~application which fulfills the same or a similar purpose as the~~
806 ~~specific representation in a way that the department can~~
807 ~~reasonably determine will not be a lower standard than the~~
808 ~~specific representation in the application. A variance may not~~
809 ~~be granted from the requirements in subparagraph 2. and~~
810 ~~subparagraphs (b)1. and 2.~~

811 ~~1. A licensed medical marijuana treatment center may~~
812 ~~transfer ownership to an individual or entity who meets the~~

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813 ~~requirements of this section. A publicly traded corporation or~~
814 ~~publicly traded company that meets the requirements of this~~
815 ~~section is not precluded from ownership of a medical marijuana~~
816 ~~treatment center. To accommodate a change in ownership:~~

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

820 ~~b. The individual or entity applying for initial licensure~~
821 ~~due to a change of ownership must submit an application that~~
822 ~~must be received by the department at least 60 days before the~~
823 ~~date of change of ownership.~~

824 ~~e. Upon receipt of an application for a license, the~~
825 ~~department shall examine the application and, within 30 days~~
826 ~~after receipt, notify the applicant in writing of any apparent~~
827 ~~errors or omissions and request any additional information~~
828 ~~required.~~

829 ~~d. Requested information omitted from an application for~~
830 ~~licensure must be filed with the department within 21 days after~~
831 ~~the department's request for omitted information or the~~
832 ~~application shall be deemed incomplete and shall be withdrawn~~
833 ~~from further consideration and the fees shall be forfeited.~~

834 ~~e. Within 30 days after the receipt of a complete~~
835 ~~application, the department shall approve or deny the~~
836 ~~application.~~

837 ~~2. A medical marijuana treatment center, and any individual~~
838 ~~or entity who directly or indirectly owns, controls, or holds~~
839 ~~with power to vote 5 percent or more of the voting shares of a~~
840 ~~medical marijuana treatment center, may not acquire direct or~~
841 ~~indirect ownership or control of any voting shares or other form~~

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842 ~~of ownership of any other medical marijuana treatment center.~~

843 ~~3. A medical marijuana treatment center may not enter into~~
844 ~~any form of profit-sharing arrangement with the property owner~~
845 ~~or lesser of any of its facilities where cultivation,~~
846 ~~processing, storing, or dispensing of marijuana and marijuana~~
847 ~~delivery devices occurs.~~

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

851 ~~5. Each medical marijuana treatment center must adopt and~~
852 ~~enforce policies and procedures to ensure employees and~~
853 ~~volunteers receive training on the legal requirements to~~
854 ~~dispense marijuana to qualified patients.~~

855 ~~8.6. When growing marijuana, an MMTC licensed for~~
856 ~~cultivation a medical marijuana treatment center:~~

857 a. May use pesticides determined by the department, after
858 consultation with the Department of Agriculture and Consumer
859 Services, to be safely applied to plants intended for human
860 consumption, but may not use pesticides designated as
861 restricted-use pesticides pursuant to s. 487.042.

862 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
863 cultivation facility ~~structure~~ and in a room separate from any
864 other plant.

865 c. Shall ~~Must~~ inspect seeds and growing plants for plant
866 pests that endanger or threaten the horticultural and
867 agricultural interests of the state in accordance with chapter
868 581 and any rules adopted thereunder.

869 d. Shall ~~Must~~ perform fumigation or treatment of plants, or
870 remove and destroy infested or infected plants, in accordance

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871 with chapter 581 and any rules adopted thereunder.

872 ~~7. Each medical marijuana treatment center must produce and~~
873 ~~make available for purchase at least one low-THC cannabis~~
874 ~~product.~~

875 9.8. ~~An MMTC~~ A medical marijuana treatment center that
876 produces edibles must hold a permit to operate as a food
877 establishment pursuant to chapter 500, the Florida Food Safety
878 Act, and must comply with all the requirements for food
879 establishments pursuant to chapter 500 and any rules adopted
880 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
881 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
882 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
883 may have a tetrahydrocannabinol potency variance of no greater
884 than 15 percent. Marijuana products, including edibles, may not
885 be attractive to children; be manufactured in the shape of
886 humans, cartoons, or animals; be manufactured in a form that
887 bears any reasonable resemblance to products available for
888 consumption as commercially available candy; or contain any
889 color additives. To discourage consumption of edibles by
890 children, the department shall determine by rule all ~~any~~ shapes,
891 forms, and ingredients allowed and prohibited for edibles. MMTCs
892 ~~Medical marijuana treatment centers~~ may not begin processing or
893 dispensing edibles until after the effective date of the rule.
894 The department shall also adopt sanitation rules providing the
895 standards and requirements for the storage, display, or
896 dispensing of edibles.

897 ~~9. Within 12 months after licensure, a medical marijuana~~
898 ~~treatment center must demonstrate to the department that all of~~
899 ~~its processing facilities have passed a Food Safety Good~~

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900 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
901 ~~or equivalent, inspection by a nationally accredited certifying~~
902 ~~body. A medical marijuana treatment center must immediately stop~~
903 ~~processing at any facility which fails to pass this inspection~~
904 ~~until it demonstrates to the department that such facility has~~
905 ~~met this requirement.~~

906 ~~10. A medical marijuana treatment center that produces~~
907 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
908 ~~with tobacco or hemp.~~

909 ~~10.11.~~ When processing marijuana, an MMTC licensed for
910 processing shall ~~a medical marijuana treatment center must:~~

911 a. Process the marijuana within an enclosed permitted
912 processing facility ~~structure~~ and in a room separate from other
913 plants or products.

914 b. Comply with department rules when processing marijuana
915 with hydrocarbon solvents or other solvents or gases exhibiting
916 potential toxicity to humans. The department shall determine by
917 rule the requirements for the ~~medical marijuana treatment~~
918 ~~centers to use of~~ such solvents or gases by MMTCs ~~exhibiting~~
919 ~~potential toxicity to humans.~~

920 c. Comply with federal and state laws and regulations and
921 department rules for solid and liquid wastes. The department
922 shall determine by rule procedures for the storage, handling,
923 transportation, management, and disposal of solid and liquid
924 waste generated during marijuana production and processing. The
925 Department of Environmental Protection shall assist the
926 department in developing such rules.

927 d. Test the processed marijuana using a medical marijuana
928 testing laboratory before it is sold or dispensed. Results must

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929 be verified and signed by two MMTC ~~medical marijuana treatment~~
930 ~~center~~ employees. Before selling, selling at wholesale, or
931 dispensing, the MMTC shall ~~medical marijuana treatment center~~
932 ~~must~~ determine whether ~~that~~ the test results indicate that low-
933 THC cannabis meets the definition of low-THC cannabis, the
934 concentration of tetrahydrocannabinol meets the potency
935 requirements of this section, the labeling of the concentration
936 of tetrahydrocannabinol and cannabidiol is accurate, and all
937 marijuana is safe for human consumption and free from
938 contaminants that are unsafe for human consumption. The
939 department shall determine by rule which contaminants must be
940 tested for and the maximum levels of each contaminant which are
941 safe for human consumption. The Department of Agriculture and
942 Consumer Services shall assist the department in developing the
943 testing requirements for contaminants that are unsafe for human
944 consumption in edibles. The department shall also determine by
945 rule the procedures for the treatment of marijuana that fails to
946 meet the testing requirements of this section, s. 381.988, or
947 department rule. The department may select samples of marijuana
948 from an MMTC ~~a medical marijuana treatment center~~ facility,
949 which must ~~shall~~ be tested by the department to determine
950 whether the marijuana meets the potency requirements of this
951 section and, ~~is~~ safe for human consumption, ~~and~~ is accurately
952 labeled with the tetrahydrocannabinol and cannabidiol
953 concentration or to verify the result of marijuana testing
954 conducted by a marijuana testing laboratory. The department may
955 also select samples of marijuana delivery devices from a medical
956 marijuana treatment center to determine whether the marijuana
957 delivery device is safe for use by qualified patients. An MMTC ~~A~~

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958 ~~medical marijuana treatment center~~ may not require payment from
959 the department for the sample. An MMTC shall ~~A medical marijuana~~
960 ~~treatment center must~~ recall marijuana, including all marijuana
961 and marijuana products made from the same batch of marijuana,
962 that fails to meet the potency requirements of this section,
963 that is unsafe for human consumption, or for which the labeling
964 of the tetrahydrocannabinol and cannabidiol concentration is
965 inaccurate. The department shall adopt rules to establish
966 marijuana potency variations of no greater than 15 percent using
967 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
968 for, but is not limited to, time lapses between testing, testing
969 methods, testing instruments, and types of marijuana sampled for
970 testing. The department may not issue any recalls for product
971 potency as it relates to product labeling before issuing a rule
972 relating to potency variation standards. An MMTC shall ~~A medical~~
973 ~~marijuana treatment center must~~ also recall all marijuana
974 delivery devices determined to be unsafe for use by qualified
975 patients. An MMTC shall ~~The medical marijuana treatment center~~
976 ~~must~~ retain records of all testing and samples of each
977 homogeneous batch of marijuana for at least 9 months. An MMTC
978 shall ~~The medical marijuana treatment center must~~ contract with
979 a marijuana testing laboratory to perform audits on the MMTC's
980 ~~medical marijuana treatment center's~~ standard operating
981 procedures, testing records, and samples and provide the results
982 to the department to confirm that the marijuana or low-THC
983 cannabis meets the requirements of this section and that the
984 marijuana or low-THC cannabis is safe for human consumption. An
985 MMTC ~~A medical marijuana treatment center~~ shall reserve two
986 processed samples from each batch and retain such samples for at

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987 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
988 ~~marijuana treatment center~~ may use a laboratory that has not
989 been certified by the department under s. 381.988 until such
990 time as at least one laboratory holds the required
991 certification, ~~but in no event later than July 1, 2018.~~

992 e. Package the marijuana in compliance with the United
993 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
994 1471 et seq.

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

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

999 (II) The name of the MMTC ~~medical marijuana treatment~~
1000 ~~center~~ from which the marijuana originates.

1001 (III) The batch number and harvest number from which the
1002 marijuana originates and the date that the marijuana is sold or
1003 dispensed.

1004 (IV) ~~The name of the physician who issued the physician~~
1005 ~~certification.~~

1006 ~~(V) The name of the patient.~~

1007 ~~(VI)~~ The product name, if applicable, and dosage form,
1008 including concentration of tetrahydrocannabinol and cannabidiol.
1009 The product name may not contain wording commonly associated
1010 with products that are attractive to children or which promote
1011 the recreational use of marijuana.

1012 (V) ~~(VII)~~ The recommended dose.

1013 (VI) ~~(VIII)~~ A warning that it is illegal to transfer ~~medical~~
1014 marijuana to a another person younger than 21 years of age.

1015 (VII) ~~(IX)~~ A marijuana universal symbol developed by the

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1016 department.

1017 ~~11.12.~~ The MMTC that packages the marijuana ~~medical~~
1018 ~~marijuana treatment center~~ shall include in each package an a
1019 ~~patient package~~ insert with information on the specific product
1020 dispensed related to all of the following:

- 1021 a. Clinical pharmacology.
- 1022 b. Indications and use.
- 1023 c. Dosage and administration.
- 1024 d. Dosage forms and strengths.
- 1025 e. Contraindications.
- 1026 f. Warnings and precautions.
- 1027 g. Adverse reactions.

1028 ~~12.13.~~ In addition to the packaging and labeling
1029 requirements specified in subparagraphs 10. and 11. and 12.,
1030 marijuana in a form for smoking must be packaged in a sealed
1031 receptacle with a legible and prominent warning to keep the
1032 receptacle away from children and a warning that states that
1033 marijuana smoke contains carcinogens and may negatively affect
1034 health. Such receptacles for marijuana in a form for smoking
1035 must be plain, opaque, and white without depictions of the
1036 product or images other than the MMTC's ~~medical marijuana~~
1037 ~~treatment center's~~ department-approved logo and the marijuana
1038 universal symbol.

1039 ~~13.14.~~ The department shall adopt rules to regulate the
1040 types, appearance, and labeling of marijuana delivery devices
1041 dispensed from an MMTC ~~a medical marijuana treatment center~~. The
1042 rules must require marijuana delivery devices to have an
1043 appearance consistent with medical use.

1044 ~~14.15.~~ Each edible must be individually sealed in plain,

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1045 opaque wrapping marked only with the marijuana universal symbol.
1046 ~~Where practical,~~ Each edible must be marked with the marijuana
1047 universal symbol. In addition to the packaging and labeling
1048 requirements in subparagraphs 10. and 11. and 12., edible
1049 receptacles must be plain, opaque, and white without depictions
1050 of the product or images other than the MMTC's ~~medical marijuana~~
1051 ~~treatment center's~~ department-approved logo and the marijuana
1052 universal symbol. The receptacle must also include a list of all
1053 the edible's ingredients, storage instructions, information on
1054 the estimated amount of time for the edible to take effect, an
1055 expiration date, a legible and prominent warning to keep the
1056 receptacle away from children and pets, and a warning that the
1057 edible has not been produced or inspected pursuant to federal
1058 food safety laws.

1059 (d) Retail licenses.-

1060 1. A registered MMTC may apply for a retail license. When
1061 applying, the MMTC must provide the department with, at a
1062 minimum, all of the following:

1063 a. A completed retail license application form.

1064 b. A statement by the applicant which indicates whether the
1065 applicant intends to dispense by delivery. A retail licensee may
1066 not deliver marijuana without also obtaining a transportation
1067 license pursuant to paragraph (f).

1068 c. The physical address of each location where the
1069 applicant will dispense or store marijuana.

1070 d. Identifying information for all other current or
1071 previous retail licenses held by the applicant or any of the
1072 applicant's principals.

1073 e. Proof of operating procedures designed to secure and

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1074 maintain accountability for all marijuana that the applicant
1075 receives and possesses, to ensure that only the allowed amount
1076 of marijuana is sold or dispensed, to ensure that the specified
1077 type of marijuana is correctly dispensed to a qualified patient
1078 or his or her caregiver pursuant to a physician certification,
1079 and to monitor the medical marijuana patient registry and
1080 electronically update the registry with dispensing information.

1081 2. A retail license expires 2 years after the date it is
1082 issued. The retail licensee must apply for license renewal
1083 before the expiration date. To renew a license, a retail
1084 licensee must meet all of the requirements for initial
1085 licensure; must provide all of the documents required under
1086 paragraph (b); and must not have any outstanding substantial
1087 violations of the applicable standards adopted by department
1088 rule.

1089 3. Before beginning to sell, dispense, or store marijuana,
1090 the retail licensee must obtain a facility permit from the
1091 department for each location where marijuana will be sold,
1092 dispensed, or stored. If a facility's permit expires or is
1093 suspended or revoked, the MMTC must cease all applicable
1094 operations at that facility until the department inspects the
1095 facility and renews or reinstates the facility's permit.

1096 4. A dispensing facility may not repackage or modify
1097 marijuana that has already been packaged for sale by a
1098 cultivation licensee or processing licensee unless the
1099 repackaging is of unprocessed marijuana, is done in accordance
1100 with instructions from the cultivator or processor, and is
1101 documented in the required seed-to-sale tracking system.

1102 5. A retail licensee may contract with an MMTC that has a

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1103 transportation license to transport marijuana between properties
 1104 owned by the retail licensee, to deliver the marijuana for sale
 1105 or dispensing, and to pick up returns of marijuana.

1106 6. Onsite consumption or administration of marijuana at a
 1107 dispensing facility is prohibited.

1108 7.16. When dispensing marijuana or a marijuana delivery
 1109 device, an MMTC licensed for retail ~~a medical marijuana~~
 1110 ~~treatment center:~~

1111 a. May dispense any active, valid order for low-THC
 1112 cannabis, medical cannabis and cannabis delivery devices issued
 1113 pursuant to former s. 381.986, Florida Statutes 2016, which was
 1114 entered into the medical marijuana use registry before July 1,
 1115 2017.

1116 b. May not dispense more than one ~~a~~ 70-day supply of
 1117 marijuana within any 70-day period to a qualified patient or
 1118 caregiver and, may not dispense more than one 35-day supply of
 1119 marijuana in a form for smoking within any 35-day period to a
 1120 qualified patient or caregiver. A 35-day supply of marijuana in
 1121 a form for smoking may not exceed 2.5 ounces unless an exception
 1122 to this amount is approved by the department pursuant to
 1123 paragraph (4) (f).

1124 c. Shall require ~~Must have the~~ MMTC's ~~medical marijuana~~
 1125 ~~treatment center's~~ employee who dispenses the marijuana or a
 1126 marijuana delivery device to enter into the medical marijuana
 1127 use registry his or her name or unique employee identifier.

1128 d. Before dispensing to a qualified patient or caregiver,
 1129 shall ~~must~~ verify that the qualified patient and, if applicable,
 1130 the caregiver, ~~if applicable,~~ each have an active registration
 1131 in the medical marijuana use registry and an active and valid

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1132 medical marijuana use registry identification card; ~~that~~, the
1133 amount and type of marijuana dispensed matches the physician
1134 certification in the medical marijuana use registry for that
1135 qualified patient; ~~and~~ that the physician certification has not
1136 already been filled.

1137 e. Before dispensing to a qualified patient or caregiver,
1138 shall label the marijuana or the marijuana delivery device with
1139 the name of the physician who issued the physician certification
1140 and the name of the patient for whom the certification was
1141 issued.

1142 f. May not dispense marijuana to a qualified patient ~~who is~~
1143 younger than 18 years of age. If the qualified patient is
1144 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1145 only to the qualified patient's caregiver.

1146 g. May sell marijuana to an adult 21 years of age or older
1147 pursuant to s. 381.990, provided that the MMTC is registered
1148 with the Department of Business and Professional Regulation
1149 pursuant to that section. When selling marijuana pursuant to
1150 that section, the employee selling the marijuana must determine
1151 that the appearance of the buyer is such that a prudent person
1152 would believe the buyer to be 21 years of age or older or must
1153 carefully check the buyer's driver license, identification card
1154 issued by this state or another state of the United States,
1155 passport, or United States Armed Services identification card to
1156 determine the buyer's age. Other than for the purpose of
1157 determining a buyer's age, an MMTC may not request or store any
1158 personal information provided by the buyer.

1159 ~~h.f.~~ May not dispense or sell any ~~other type of cannabis,~~
1160 alcohol, or illicit drug-related product, ~~including pipes or~~

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1161 ~~wrapping papers made with tobacco or hemp, other than a~~
1162 ~~marijuana delivery device required for the medical use of~~
1163 ~~marijuana and which is specified in a physician certification.~~

1164 ~~i.g. Must,~~ Upon dispensing the marijuana or marijuana
1165 delivery device to a qualified patient or caregiver, shall
1166 record in the registry the date, time, quantity, and form of
1167 marijuana dispensed; the type of marijuana delivery device
1168 dispensed; and the name and medical marijuana use registry
1169 identification number of the qualified patient or caregiver to
1170 whom the marijuana delivery device was dispensed.

1171 ~~j.h. Shall Must~~ ensure that patient records are not visible
1172 to anyone other than the qualified patient, his or her
1173 caregiver, and authorized MMTC ~~medical marijuana treatment~~
1174 ~~center~~ employees.

1175 ~~(e)(f) Security.~~—To ensure the safety and security of
1176 premises where the cultivation, processing, storing, or
1177 dispensing of marijuana occurs, and to maintain adequate
1178 controls against the diversion, theft, and loss of marijuana or
1179 marijuana delivery devices, an MMTC ~~a medical marijuana~~
1180 ~~treatment center~~ shall do all of the following:

1181 1.a. Maintain a fully operational security alarm system
1182 that secures all entry points and perimeter windows and is
1183 equipped with motion detectors; pressure switches; and duress,
1184 panic, and hold-up alarms. ~~and~~

1185 b. Maintain a video surveillance system that records
1186 continuously, 24 hours a day, and meets all of the following
1187 criteria:

1188 (I) Cameras are fixed in a place that allows for the clear
1189 identification of persons and activities in controlled areas of

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1190 the premises. Controlled areas include grow rooms, processing
 1191 rooms, storage rooms, disposal rooms or areas, and point-of-sale
 1192 rooms.

1193 (II) Cameras are fixed in entrances and exits to the
 1194 premises in a place that allows recording, ~~which shall record~~
 1195 from both indoor and outdoor, or ingress and egress, vantage
 1196 points.

1197 (III) Images are recorded ~~images must~~ clearly and
 1198 accurately displaying ~~display~~ the time and date of recording.

1199 ~~c.(IV)~~ Retain video surveillance recordings for at least 45
 1200 days or longer upon the request of a law enforcement agency.

1201 2. Ensure that the MMTC's ~~medical marijuana treatment~~
 1202 ~~center's~~ outdoor premises have sufficient lighting from dusk
 1203 until dawn.

1204 3. Ensure that the indoor premises where dispensing occurs
 1205 include ~~includes~~ a waiting area with sufficient space and
 1206 seating to accommodate qualified patients and caregivers and at
 1207 least one private consultation area that is isolated from both
 1208 the waiting area and the area where dispensing occurs. An MMTC A
 1209 ~~medical marijuana treatment center~~ may not display products or
 1210 dispense marijuana or marijuana delivery devices in the waiting
 1211 area.

1212 4. Cease dispensing ~~Not dispense from its premises~~
 1213 marijuana or ~~a~~ marijuana delivery devices from its premises
 1214 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
 1215 perform all other operations and deliver marijuana to qualified
 1216 patients 24 hours a day.

1217 5. Store marijuana in a secured, locked room or a vault.

1218 6. Require at least two of its employees, or two employees

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1219 of a security agency with whom it contracts, to be on the
1220 premises ~~at all times~~ where cultivation, processing, or storing
1221 of marijuana occurs, at all times.

1222 7. Require each employee or contractor to wear a photo
1223 identification badge at all times while on the premises.

1224 8. Require each visitor to wear a visitor pass at all times
1225 while on the premises.

1226 9. Implement an alcohol and drug-free workplace policy.

1227 10. Report to a local law enforcement agency within 24
1228 hours after the MMTC medical-marijuana treatment center is
1229 notified or becomes aware of the theft, diversion, or loss of
1230 marijuana.

1231 (f) Transportation licenses; vehicle permits.-

1232 1. A registered MMTC may apply for a transportation
1233 license. When applying, the MMTC must provide the department
1234 with, at a minimum, all of the following:

1235 a. The physical address of the MMTC's place of business.

1236 b. Proof that the MMTC has a documentation system in
1237 accordance with the required seed-to-sale tracking system,
1238 including transportation manifests, for transporting marijuana
1239 between licensed facilities and to qualified patients.

1240 Transportation manifests may be electronically stored and
1241 presented.

1242 c. Proof of the MMTC's compliance with health and
1243 sanitation standards for the transportation of marijuana.

1244 d. Proof that all marijuana transported between licensed
1245 facilities will be transported in tamper-evident shipping
1246 containers.

1247 2. An MMTC with a transportation license may not transport

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1248 marijuana on the property of an airport, a seaport, a spaceport,
1249 or any property of the Federal Government.

1250 3. An MMTC with a transportation license may transport
1251 marijuana and marijuana delivery devices only in a vehicle that
1252 is owned or leased by the MMTC or the MMTC's contractor and for
1253 which a valid vehicle permit has been issued by the department.

1254 4. An MMTC with a transportation license may obtain a
1255 vehicle permit upon submission of an application. The MMTC shall
1256 designate as the driver for each permitted vehicle an employee
1257 or contracted employee who is registered with the department and
1258 who is authorized to possess marijuana when not on the property
1259 of the MMTC. Such designation must be displayed in the vehicle
1260 at all times. Each permitted vehicle must be GPS-monitored. A
1261 vehicle permit remains valid and does not expire unless the MMTC
1262 or its contractor disposes of the permitted vehicle or the
1263 MMTC's registration or transportation license is transferred,
1264 canceled, not renewed, or revoked by the department. The
1265 department shall cancel a vehicle permit upon the request of the
1266 MMTC or its contractor.

1267 5. When transporting marijuana, a permitted vehicle is
1268 subject to inspection and search without a search warrant by
1269 authorized employees of the department, sheriffs, deputy
1270 sheriffs, police officers, or other law enforcement officers to
1271 determine whether the MMTC is operating in compliance with this
1272 section.

1273 6. An MMTC with a transportation license may deliver, or
1274 contract for the delivery of, marijuana and marijuana delivery
1275 devices to other MMTCs within this state, to qualified patients
1276 and caregivers within this state, and to adults 21 years of age

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1277 or older within this state. A county or municipality may not
1278 prohibit deliveries of marijuana or marijuana delivery devices
1279 to qualified patients or caregivers within the county or
1280 municipality. Deliveries may be made only to the qualified
1281 patient who placed the order or his or her caregiver. When
1282 delivering to a qualified patient or caregiver, an MMTC or its
1283 contractor shall verify the identity of the qualified patient
1284 upon placement of the delivery order and, again, upon delivery.
1285 When delivering marijuana to an adult 21 years of age or older,
1286 an MMTC or its contractor shall verify the age of the buyer upon
1287 placement of the order and, again, upon delivery. In order to
1288 verify the age of the buyer, the MMTC must determine that the
1289 appearance of the buyer is such that a prudent person would
1290 believe the buyer to be 21 years of age or older or must
1291 carefully check the buyer's driver license, identification card
1292 issued by this state or another state of the United States,
1293 passport, or United States Armed Services identification card to
1294 determine the buyer's age. The department shall adopt rules
1295 specific to the delivery of marijuana which include both of the
1296 following:

1297 a. Procedures for verifying the age and identity of the
1298 person placing an order and receiving a delivery, as
1299 appropriate, including required training for delivery personnel.

1300 b. A maximum dispensary value for all marijuana and
1301 currency that may be in the possession of a registered MMTC
1302 employee or contractor while he or she makes a delivery. The
1303 maximum value established by rule may not be less than \$5,000.

1304 7. Licensees under this subsection may use contractors to
1305 assist with the transportation of marijuana. A licensee is

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1306 ultimately responsible for all of the actions and operations of
 1307 each contractor relating to the transportation of marijuana and
 1308 must know the location of all marijuana products at all times.
 1309 To participate in the operations of a licensee under this
 1310 subsection, a principal or an employee of a contractor
 1311 contracted by the licensee must first register with the
 1312 department under subsection (9) and be issued an MMTC employee
 1313 identification card.

1314 (g) Facility permits.-

1315 1. Before cultivating, processing, dispensing, or storing
 1316 marijuana at any location, an MMTC shall apply to the department
 1317 for the applicable facility permit for that location. The
 1318 department shall adopt by rule an application form. Upon
 1319 receiving a request for a permit from a licensee, the department
 1320 shall inspect the facility for compliance with this section and
 1321 rules adopted hereunder and, upon a determination of compliance,
 1322 shall issue a permit to the facility. The department shall issue
 1323 or deny a facility permit within 30 days after receiving the
 1324 request for the permit.

1325 2. A facility permit expires 2 years after the date it is
 1326 issued. Each facility must be inspected by the department for
 1327 compliance with this section and department rules before the
 1328 facility's permit is renewed.

1329 3. If a facility permit expires or is suspended or revoked,
 1330 the MMTC must cease all applicable operations at that facility
 1331 until the department inspects the facility and renews or
 1332 reinstates the facility's permit.

1333 4. Cultivation facilities and processing facilities:

1334 a. Shall maintain insurance with at least \$1 million of

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1335 hazard and liability insurance per location; and

1336 b. Must be secure, closed to the public, and, unless an
1337 ordinance allows a facility to be located closer, located at
1338 least 1,000 feet away from any existing public or private
1339 elementary or secondary school, child care facility as defined
1340 in s. 402.302, or licensed service provider offering substance
1341 abuse services.

1342 5. All matters regarding the permitting and regulation of
1343 cultivation facilities and processing facilities, including the
1344 location of such facilities, are preempted to the state.

1345 6. Dispensing facilities and storage facilities:

1346 a. Shall maintain insurance with at least \$500,000 of
1347 hazard and liability insurance for each facility where marijuana
1348 is dispensed or stored; and

1349 b. Unless an ordinance allows a facility to be located
1350 closer, must be located at least 1,000 feet away from any
1351 existing public or private elementary or secondary school, child
1352 care facility as defined in s. 402.302, or licensed service
1353 provider offering substance abuse services.

1354 7. The governing body of a county or municipality, by
1355 ordinance, may prohibit or limit the number of dispensing
1356 facilities located within its jurisdiction but may not prohibit
1357 an MMTC with a retail license or its permitted storage facility
1358 from being located within its jurisdiction if the licensee is
1359 delivering or contracting to deliver marijuana to qualified
1360 patients within that jurisdiction. The department may not issue
1361 a facility permit for a dispensing facility in a county or
1362 municipality in which the board of county commissioners or other
1363 local governing body, as applicable, has adopted such an

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1364 ordinance. A county or municipality may not require, request, or
1365 accept financial contributions or similar benefits from MMTCs;
1366 however, in addition to other taxes authorized by law, a county
1367 or municipality may levy a local business tax on a dispensing
1368 facility. An ordinance adopted by a municipality or county
1369 pursuant to this paragraph may not do any of the following:

1370 a. Provide exclusive access to one or several individuals
1371 or entities to operate dispensing facilities within the
1372 jurisdiction.

1373 b. Prohibit specific individuals or entities from operating
1374 a dispensing facility within the jurisdiction if the ordinance
1375 allows dispensing facilities to operate in the jurisdiction.

1376 c. Prohibit the delivery of marijuana within the
1377 jurisdiction by a properly licensed MMTC located within the
1378 jurisdiction.

1379 8. The department may adopt by rule additional requirements
1380 for the permitting of cultivation, processing, dispensing, and
1381 storage facilities to ensure the sanitary, safe, and secure
1382 cultivation, processing, dispensing, storage, and sale of
1383 marijuana ~~To ensure the safe transport of marijuana and~~
1384 ~~marijuana delivery devices to medical marijuana treatment~~
1385 ~~centers, marijuana testing laboratories, or qualified patients,~~
1386 ~~a medical marijuana treatment center must:~~

1387 ~~1. Maintain a marijuana transportation manifest in any~~
1388 ~~vehicle transporting marijuana. The marijuana transportation~~
1389 ~~manifest must be generated from a medical marijuana treatment~~
1390 ~~center's seed-to-sale tracking system and include the:~~

1391 ~~a. Departure date and approximate time of departure.~~

1392 ~~b. Name, location address, and license number of the~~

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- 1393 ~~originating medical marijuana treatment center.~~
- 1394 ~~e. Name and address of the recipient of the delivery.~~
- 1395 ~~d. Quantity and form of any marijuana or marijuana delivery~~
- 1396 ~~device being transported.~~
- 1397 ~~e. Arrival date and estimated time of arrival.~~
- 1398 ~~f. Delivery vehicle make and model and license plate~~
- 1399 ~~number.~~
- 1400 ~~g. Name and signature of the medical marijuana treatment~~
- 1401 ~~center employees delivering the product.~~
- 1402 ~~(I) A copy of the marijuana transportation manifest must be~~
- 1403 ~~provided to each individual, medical marijuana treatment center,~~
- 1404 ~~or marijuana testing laboratory that receives a delivery. The~~
- 1405 ~~individual, or a representative of the center or laboratory,~~
- 1406 ~~must sign a copy of the marijuana transportation manifest~~
- 1407 ~~acknowledging receipt.~~
- 1408 ~~(II) An individual transporting marijuana or a marijuana~~
- 1409 ~~delivery device must present a copy of the relevant marijuana~~
- 1410 ~~transportation manifest and his or her employee identification~~
- 1411 ~~card to a law enforcement officer upon request.~~
- 1412 ~~(III) Medical marijuana treatment centers and marijuana~~
- 1413 ~~testing laboratories must retain copies of all marijuana~~
- 1414 ~~transportation manifests for at least 3 years.~~
- 1415 ~~2. Ensure only vehicles in good working order are used to~~
- 1416 ~~transport marijuana.~~
- 1417 ~~3. Lock marijuana and marijuana delivery devices in a~~
- 1418 ~~separate compartment or container within the vehicle.~~
- 1419 ~~4. Require employees to have possession of their employee~~
- 1420 ~~identification card at all times when transporting marijuana or~~
- 1421 ~~marijuana delivery devices.~~

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1422 ~~5. Require at least two persons to be in a vehicle~~
1423 ~~transporting marijuana or marijuana delivery devices, and~~
1424 ~~require at least one person to remain in the vehicle while the~~
1425 ~~marijuana or marijuana delivery device is being delivered.~~

1426 ~~6. Provide specific safety and security training to~~
1427 ~~employees transporting or delivering marijuana and marijuana~~
1428 ~~delivery devices.~~

1429 (h) Advertising.~~An MMTC A medical marijuana treatment~~
1430 ~~center~~ may not engage in advertising that is visible to members
1431 of the public from any street, sidewalk, park, or other public
1432 place, except:

1433 1. An MMTC dispensing facility ~~The dispensing location of a~~
1434 ~~medical marijuana treatment center~~ may have a sign that is
1435 affixed to the outside or hanging in the window of the premises
1436 which identifies the dispensing facility dispensary by the
1437 licensee's business name, a department-approved trade name, or a
1438 department-approved logo. An MMTC's A medical marijuana
1439 ~~treatment center's~~ trade name and logo may not contain wording
1440 or images that are attractive to children ~~or which promote~~
1441 ~~recreational use of marijuana.~~

1442 2. An MMTC A medical marijuana treatment center may engage
1443 in Internet advertising and marketing under the following
1444 conditions:

1445 a. All advertisements must be approved by the department.

1446 b. An advertisement may not have any content that is
1447 attractive to children or which promotes the recreational use of
1448 marijuana.

1449 c. An advertisement may not be an unsolicited pop-up
1450 advertisement.

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1451 d. Opt-in marketing must include an easy and permanent opt-
1452 out feature.

1453 (i) Online retail catalogs.—Each retail MMTC ~~medical~~
1454 ~~marijuana treatment center~~ that dispenses marijuana and
1455 marijuana delivery devices shall make all of the following
1456 available to the public on its website:

1457 1. Each marijuana and low-THC product available for
1458 purchase, including the form, strain of marijuana from which it
1459 was extracted, cannabidiol content, tetrahydrocannabinol
1460 content, dose unit, total number of doses available, and the
1461 ratio of cannabidiol to tetrahydrocannabinol for each product.

1462 2. The price for a 30-day, 50-day, and 70-day supply at a
1463 standard dose for each marijuana and low-THC product available
1464 for purchase.

1465 3. The price for each marijuana delivery device available
1466 for purchase.

1467 4. If applicable, any discount policies and eligibility
1468 criteria for such discounts.

1469 (j) Sourcing of marijuana for medical use.—MMTCs ~~Medical~~
1470 ~~marijuana treatment centers~~ are the sole source from which a
1471 person ~~qualified patient~~ may legally obtain marijuana.

1472 (k) Rulemaking.—The department may adopt rules pursuant to
1473 ss. 120.536(1) and 120.54 to implement this subsection.

1474 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1475 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1476 (a) The department shall adopt rules to administer the
1477 registration of MMTC principals, employees, and contractors who
1478 participate in the operations of an MMTC. Before hiring or
1479 contracting with any individual who is not registered with the

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1480 department or who does not possess a current MMTC employee
1481 identification card, an MMTC must apply to the department to
1482 register that person as an MMTC employee. The department shall
1483 adopt by rule a form for such applications for registration,
1484 which must require the applicant to provide all of the
1485 following:

1486 1. His or her full legal name, social security number, date
1487 of birth, and home address.

1488 2. A full-face, passport-type, color photograph of the
1489 applicant taken within 90 days immediately preceding submission
1490 of the application.

1491 3. Proof that he or she has passed a level 2 background
1492 screening pursuant to chapter 435 within the previous year.

1493 4. An indication as to whether the applicant will be
1494 authorized by the MMTC to possess marijuana while not on MMTC
1495 property.

1496 (b) Once the department has received a completed
1497 application form from an MMTC, the department shall register the
1498 principal, employee, or contractor associated with the MMTC and
1499 issue him or her an MMTC employee identification card that, at a
1500 minimum, includes all of the following:

1501 1. The employee's name and the name of the MMTC that
1502 employs him or her.

1503 2. The employee's photograph, as required under paragraph
1504 (a).

1505 3. The expiration date of the card, which must be 1 year
1506 after the date it is issued.

1507 4. An indication of whether the employee is authorized by
1508 the MMTC to possess marijuana while not on MMTC property.

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1509 (c) If any information provided to the department for the
1510 registration of an MMTC principal, employee, or contractor or in
1511 the application for an MMTC employee identification card
1512 changes, or if the registered person's employment status with
1513 the MMTC changes, the registered person and the MMTC must
1514 provide the department with the new information or status within
1515 7 days after the change.

1516 (d) The department may contract with one or more vendors
1517 for the purpose of issuing MMTC employee identification cards
1518 under this subsection BACKGROUND SCREENING.~~An individual~~
1519 ~~required to undergo a background screening pursuant to this~~
1520 ~~section must pass a level 2 background screening as provided~~
1521 ~~under chapter 435, which, in addition to the disqualifying~~
1522 ~~offenses provided in s. 435.04, shall exclude an individual who~~
1523 ~~has an arrest awaiting final disposition for, has been found~~
1524 ~~guilty of, regardless of adjudication, or has entered a plea of~~
1525 ~~nolo contendere or guilty to an offense under chapter 837,~~
1526 ~~chapter 895, or chapter 896 or similar law of another~~
1527 ~~jurisdiction. Exemptions from disqualification as provided under~~
1528 ~~s. 435.07 do not apply to this subsection.~~

1529 ~~(a) Such individual must submit a full set of fingerprints~~
1530 ~~to the department or to a vendor, entity, or agency authorized~~
1531 ~~by s. 943.053(13). The department, vendor, entity, or agency~~
1532 ~~shall forward the fingerprints to the Department of Law~~
1533 ~~Enforcement for state processing, and the Department of Law~~
1534 ~~Enforcement shall forward the fingerprints to the Federal Bureau~~
1535 ~~of Investigation for national processing.~~

1536 ~~(b) Fees for state and federal fingerprint processing and~~
1537 ~~retention shall be borne by the medical marijuana treatment~~

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1538 ~~center or caregiver, as applicable. The state cost for~~
1539 ~~fingerprint processing shall be as provided in s. 943.053(3) (e)~~
1540 ~~for records provided to persons or entities other than those~~
1541 ~~specified as exceptions therein.~~

1542 ~~(c) Fingerprints submitted to the Department of Law~~
1543 ~~Enforcement pursuant to this subsection shall be retained by the~~
1544 ~~Department of Law Enforcement as provided in s. 943.05(2) (g) and~~
1545 ~~(h) and, when the Department of Law Enforcement begins~~
1546 ~~participation in the program, enrolled in the Federal Bureau of~~
1547 ~~Investigation's national retained print arrest notification~~
1548 ~~program. Any arrest record identified shall be reported to the~~
1549 ~~department.~~

1550 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1551 ADMINISTRATIVE ACTIONS.—

1552 (a) ~~The department shall conduct announced or unannounced~~
1553 ~~inspections of medical marijuana treatment centers to determine~~
1554 ~~compliance with this section or rules adopted pursuant to this~~
1555 ~~section.~~

1556 ~~(b) The department shall inspect a medical marijuana~~
1557 ~~treatment center Upon receiving a complaint or notice that an~~
1558 ~~MMTC the medical marijuana treatment center has dispensed~~
1559 ~~marijuana containing mold, bacteria, or any other contaminant~~
1560 ~~that may cause or has caused an adverse effect to human health~~
1561 ~~or the environment, the department shall inspect the MMTC, its~~
1562 ~~facilities, and, as appropriate, any cultivation or processing~~
1563 ~~facility of the MMTC from which the batch of marijuana was~~
1564 ~~purchased.~~

1565 ~~(b)(e)~~ The department shall conduct at least a biennial
1566 inspection of each MMTC ~~medical marijuana treatment center~~ to

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1567 evaluate its ~~the medical marijuana treatment center's~~ records,
1568 personnel, equipment, processes, security measures, sanitation
1569 practices, and quality assurance practices.

1570 (c) The department shall conduct at least a biennial
1571 inspection of each permitted facility. The department may
1572 conduct additional announced or unannounced inspections of a
1573 permitted facility within reasonable hours in order to ensure
1574 compliance with this section and rules adopted hereunder.

1575 (d) The Department of Agriculture and Consumer Services and
1576 the department shall enter into an interagency agreement to
1577 ensure cooperation and coordination in the performance of their
1578 obligations under this section and their respective regulatory
1579 and authorizing laws. The department, the Department of Highway
1580 Safety and Motor Vehicles, and the Department of Law Enforcement
1581 may enter into interagency agreements for the purposes specified
1582 in this subsection or subsection (7).

1583 (e) The department shall publish a list of all approved
1584 MMTCs ~~medical marijuana treatment centers~~, medical directors,
1585 and qualified physicians on its website.

1586 (f) The department may impose administrative penalties,
1587 including reasonable fines not to exceed \$10,000, on an MMTC ~~a~~
1588 ~~medical marijuana treatment center~~ for any of the following
1589 violations:

- 1590 1. Violating this section or department rule.
- 1591 2. Failing to maintain qualifications for approval.
- 1592 3. Endangering the health, safety, or security of a
1593 qualified patient or an adult purchasing marijuana pursuant to
1594 s. 381.990.
- 1595 4. Improperly disclosing personal and confidential

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1596 information of the qualified patient.

1597 5. Attempting to procure MMTC ~~medical marijuana treatment~~
1598 ~~center~~ approval by bribery, fraudulent misrepresentation, or
1599 extortion.

1600 6. Being convicted or found guilty of, or entering a plea
1601 of guilty or nolo contendere to, regardless of adjudication, a
1602 crime in any jurisdiction which directly relates to the business
1603 of an MMTC ~~a medical marijuana treatment center~~.

1604 7. Making or filing a report or record that the MMTC
1605 ~~medical marijuana treatment center~~ knows to be false.

1606 8. Willfully failing to maintain a record required by this
1607 section or department rule.

1608 9. Willfully impeding or obstructing an employee or agent
1609 of the department in the furtherance of his or her official
1610 duties.

1611 10. Engaging in fraud or deceit, negligence, incompetence,
1612 or misconduct in the business practices of an MMTC ~~a medical~~
1613 ~~marijuana treatment center~~.

1614 11. Making misleading, deceptive, or fraudulent
1615 representations in or related to the business practices of an
1616 MMTC ~~a medical marijuana treatment center~~.

1617 12. Having a license or the authority to engage in any
1618 regulated profession, occupation, or business that is related to
1619 the business practices of an MMTC ~~a medical marijuana treatment~~
1620 ~~center~~ suspended, revoked, or otherwise acted against by the
1621 licensing authority of any jurisdiction, including its agencies
1622 or subdivisions, for a violation that would constitute a
1623 violation under Florida law.

1624 13. Violating a lawful order of the department or an agency

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1625 of the state, or failing to comply with a lawfully issued
1626 subpoena of the department or an agency of the state.

1627 14. Failing to determine adequately the age of a buyer who
1628 is not a qualified patient or caregiver.

1629 (g) The department may suspend, revoke, or refuse to renew
1630 an MMTC's registration, operating licenses, and any vehicle
1631 permits or facility permits ~~a medical marijuana treatment center~~
1632 ~~license~~ if the MMTC ~~medical marijuana treatment center~~ commits
1633 any of the violations specified in paragraph (f).

1634 (h) The department shall refuse to renew the cultivation,
1635 processing, retail, or transportation license of an MMTC that
1636 has not begun to cultivate, process, dispense, or transport
1637 marijuana, as applicable, by the date that the MMTC is required
1638 to renew such license.

1639 (i) ~~(h)~~ The department may adopt rules pursuant to ss.
1640 120.536(1) and 120.54 to implement this subsection.

1641 (11) PREEMPTION.—Regulation of cultivation, processing, and
1642 delivery of marijuana by MMTCs ~~medical marijuana treatment~~
1643 ~~centers~~ is preempted to the state except as provided in this
1644 subsection.

1645 (a) An MMTC ~~A medical marijuana treatment center~~
1646 cultivating or processing facility may not be located within 500
1647 feet of the real property that comprises a public or private
1648 elementary school, middle school, or secondary school.

1649 (b)1. A county or municipality may, by ordinance, ban MMTC
1650 ~~medical marijuana treatment center~~ dispensing facilities from
1651 being located within the boundaries of that county or
1652 municipality. A county or municipality that does not ban
1653 dispensing facilities under this subparagraph may not place

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1654 specific limits, by ordinance, on the number of dispensing
1655 facilities that may locate within that county or municipality.

1656 2. A municipality may determine by ordinance the criteria
1657 for the location of, and other permitting requirements that do
1658 not conflict with state law or department rule for, MMTC ~~medical~~
1659 ~~marijuana treatment center~~ dispensing facilities located within
1660 the boundaries of that municipality. A county may determine by
1661 ordinance the criteria for the location of, and other permitting
1662 requirements that do not conflict with state law or department
1663 rule for, all such dispensing facilities located within the
1664 unincorporated areas of that county. Except as provided in
1665 paragraph (c), a county or municipality may not enact ordinances
1666 for permitting or for determining the location of dispensing
1667 facilities which are more restrictive than its ordinances
1668 permitting or determining the locations for pharmacies licensed
1669 under chapter 465. A municipality or county may not charge an
1670 MMTC ~~a medical marijuana treatment center~~ a license or permit
1671 fee in an amount greater than the fee charged by such
1672 municipality or county to pharmacies. A dispensing facility
1673 location approved by a municipality or county pursuant to former
1674 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1675 location requirements of this subsection.

1676 (c) An MMTC ~~A medical marijuana treatment center~~ dispensing
1677 facility may not be located within 500 feet of the real property
1678 that comprises a public or private elementary school, middle
1679 school, or secondary school unless the county or municipality
1680 approves the location through a formal proceeding open to the
1681 public at which the county or municipality determines that the
1682 location promotes the public health, safety, and general welfare

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1683 of the community.

1684 (d) This subsection does not prohibit any local
1685 jurisdiction from ensuring that MMTC ~~medical marijuana treatment~~
1686 ~~center~~ facilities comply with the Florida Building Code, the
1687 Florida Fire Prevention Code, or any local amendments to the
1688 Florida Building Code or the Florida Fire Prevention Code.

1689 (12) PENALTIES.—

1690 (a) A qualified physician commits a misdemeanor of the
1691 first degree, punishable as provided in s. 775.082 or s.
1692 775.083, if he or she ~~the qualified physician~~ issues a physician
1693 certification for the medical use of marijuana for a patient
1694 without a reasonable belief that the patient is suffering from a
1695 qualifying medical condition.

1696 (b) A person who fraudulently represents that he or she has
1697 a qualifying medical condition to a qualified physician for the
1698 purpose of being issued a physician certification commits a
1699 misdemeanor of the first degree, punishable as provided in s.
1700 775.082 or s. 775.083.

1701 (c)1. A person ~~qualified patient~~ who uses marijuana, not
1702 including low-THC cannabis, or a caregiver who administers
1703 marijuana, not including low-THC cannabis, in plain view of or
1704 in a place open to the general public is subject to a civil fine
1705 not exceeding \$100.

1706 2. A person who uses marijuana, not including low-THC
1707 cannabis, ~~in a school bus, a moving vehicle, or an aircraft, or~~
1708 ~~a boat,~~ or on the grounds of a school except as provided in s.
1709 1006.062, commits a misdemeanor of the first degree, punishable
1710 as provided in s. 775.082 or s. 775.083.

1711 (d) A person ~~qualified patient or caregiver~~ who cultivates

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1712 marijuana or who purchases ~~or acquires~~ marijuana from any person
1713 or entity other than an MTMC ~~a medical marijuana treatment~~
1714 ~~center~~ violates s. 893.13 and is subject to the penalties
1715 provided therein.

1716 (e) ~~1. A qualified patient or caregiver in possession of~~
1717 ~~marijuana or a marijuana delivery device who fails or refuses to~~
1718 ~~present his or her marijuana use registry identification card~~
1719 ~~upon the request of a law enforcement officer commits a~~
1720 ~~misdemeanor of the second degree, punishable as provided in s.~~
1721 ~~775.082 or s. 775.083, unless it can be determined through the~~
1722 ~~medical marijuana use registry that the person is authorized to~~
1723 ~~be in possession of that marijuana or marijuana delivery device.~~

1724 ~~2. A person charged with a violation of this paragraph may~~
1725 ~~not be convicted if, before or at the time of his or her court~~
1726 ~~or hearing appearance, the person produces in court or to the~~
1727 ~~clerk of the court in which the charge is pending a medical~~
1728 ~~marijuana use registry identification card issued to him or her~~
1729 ~~which is valid at the time of his or her arrest. The clerk of~~
1730 ~~the court is authorized to dismiss such case at any time before~~
1731 ~~the defendant's appearance in court. The clerk of the court may~~
1732 ~~assess a fee of \$5 for dismissing the case under this paragraph.~~

1733 ~~(f)~~ A caregiver who violates any of the applicable
1734 provisions of this section or applicable department rules, for
1735 the first offense, commits a misdemeanor of the second degree,
1736 punishable as provided in s. 775.082 or s. 775.083 and, for a
1737 second or subsequent offense, commits a misdemeanor of the first
1738 degree, punishable as provided in s. 775.082 or s. 775.083.

1739 (f) ~~(g)~~ A qualified physician who issues a physician
1740 certification for marijuana or a marijuana delivery device and

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1741 receives compensation from an MMTC ~~a medical marijuana treatment~~
1742 ~~center~~ related to the issuance of a physician certification for
1743 marijuana or a marijuana delivery device is subject to
1744 disciplinary action under the applicable practice act and s.
1745 456.072 (1) (n).

1746 (g) ~~(h)~~ A person transporting marijuana or marijuana
1747 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1748 ~~treatment center~~ or a marijuana testing laboratory who fails or
1749 refuses to present a transportation manifest, whether in paper
1750 or electronic format, upon the request of a law enforcement
1751 officer commits a misdemeanor of the second degree, punishable
1752 as provided in s. 775.082 or s. 775.083.

1753 (h) ~~(i)~~ Persons and entities conducting activities
1754 authorized and governed by this section and s. 381.988 are
1755 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1756 (i) ~~(j)~~ A person or entity that cultivates, processes,
1757 distributes, sells, or dispenses marijuana, as defined in s.
1758 29(b)(4), Art. X of the State Constitution, and is not licensed
1759 as an MMTC ~~a medical marijuana treatment center~~ violates s.
1760 893.13 and is subject to the penalties provided therein. This
1761 paragraph does not apply to a transfer of marijuana products or
1762 marijuana which is authorized by this section, s. 381.990, or s.
1763 893.13.

1764 (j) ~~(k)~~ A person who manufactures, distributes, sells,
1765 gives, or possesses with the intent to manufacture, distribute,
1766 sell, or give marijuana or a marijuana delivery device that he
1767 or she holds out to have originated from a licensed MMTC ~~medical~~
1768 ~~marijuana treatment center~~ but that is counterfeit commits a
1769 felony of the third degree, punishable as provided in s.

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1770 775.082, s. 775.083, or s. 775.084. For the purposes of this
1771 paragraph, the term "counterfeit" means marijuana; a marijuana
1772 delivery device; or a marijuana or marijuana delivery device
1773 container, seal, or label which, without authorization, bears
1774 the trademark, trade name, or other identifying mark, imprint,
1775 or device, or any likeness thereof, of a licensed MMTC ~~medical~~
1776 ~~marijuana treatment center~~ and which thereby falsely purports or
1777 is represented to be the product of, or to have been distributed
1778 by, that licensed MMTC ~~medical marijuana treatment facility~~.

1779 (k) ~~(l)~~ A Any person who possesses or manufactures a blank,
1780 forged, stolen, fictitious, fraudulent, counterfeit, or
1781 otherwise unlawfully issued medical marijuana use registry
1782 identification card commits a felony of the third degree,
1783 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1784 (14) EXCEPTIONS TO OTHER LAWS.—

1785 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1786 any other ~~provision of law~~, but subject to the requirements of
1787 this section, a qualified patient and the qualified patient's
1788 caregiver may purchase from an MMTC ~~a medical marijuana~~
1789 ~~treatment center~~ for the patient's medical use a marijuana
1790 delivery device and up to the amount of marijuana authorized in
1791 the physician certification, but may not possess more than a 70-
1792 day supply of marijuana, or the greater of 4 ounces of marijuana
1793 in a form for smoking or an amount of marijuana in a form for
1794 smoking approved by the department pursuant to paragraph (4) (f),
1795 at any given time and all marijuana purchased must remain in its
1796 original packaging.

1797 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1798 s. 893.147, or any other ~~provision of law~~, a qualified patient

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1799 and the qualified patient's caregiver may purchase and possess a
 1800 marijuana delivery device intended for the medical use of
 1801 marijuana by smoking from a vendor other than an MMTC ~~a medical~~
 1802 ~~marijuana treatment center.~~

1803 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1804 any other ~~provision of law~~, but subject to the requirements of
 1805 this section, an approved MMTC ~~medical marijuana treatment~~
 1806 ~~center~~ and its owners, managers, and employees may manufacture,
 1807 possess, sell, deliver, distribute, dispense, and lawfully
 1808 dispose of marijuana or a marijuana delivery device as provided
 1809 in this section, s. 381.988, s. 381.990, and by department rule.
 1810 For the purposes of this subsection, the terms "manufacture,"
 1811 "possession," "deliver," "distribute," and "dispense" have the
 1812 same meanings as provided in s. 893.02.

1813 (f) A licensed MMTC ~~medical marijuana treatment center~~ and
 1814 its owners, managers, and employees are not subject to licensure
 1815 or regulation under chapter 465 or chapter 499 for
 1816 manufacturing, possessing, selling, delivering, distributing,
 1817 dispensing, or lawfully disposing of marijuana or a marijuana
 1818 delivery device, as provided in this section, in s. 381.988, and
 1819 by department rule.

1820 ~~(17) Rules adopted pursuant to this section before July 1,~~
 1821 ~~2025, are not subject to ss. 120.54(3)(b) and 120.541. This~~
 1822 ~~subsection expires July 1, 2025.~~

1823 Section 3. Section 381.990, Florida Statutes, is created to
 1824 read:

1825 381.990 Adult use of marijuana.-

1826 (1) A person 21 years of age or older may purchase in a
 1827 single transaction marijuana products containing up to 2,000

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1828 milligrams of tetrahydrocannabinol; up to 2.5 ounces of
1829 marijuana in a form for smoking; and one or more marijuana
1830 delivery devices, as defined in s. 381.986, provided that such
1831 marijuana products, marijuana in a form for smoking, and
1832 marijuana delivery devices are purchased from a medical
1833 marijuana treatment center (MMTC) that is licensed by the
1834 department pursuant to s. 381.986 for the retail sale of
1835 marijuana and registered by the Department of Business and
1836 Professional Regulation for the sale of marijuana for adult use.
1837 A violation of this subsection is punishable as provided in s.
1838 893.13.

1839 (2) A person 21 years of age or older who purchases
1840 marijuana products, marijuana in a form for smoking, or
1841 marijuana delivery devices in accordance with subsection (1) may
1842 possess, use, transport, and transfer, without consideration, to
1843 another person 21 years of age or older such products or
1844 devices. However, a person may not at any time possess marijuana
1845 products that, in total, contain more than 2,000 milligrams of
1846 tetrahydrocannabinol or more than 4 ounces of marijuana in a
1847 form for smoking. A violation of this subsection is punishable
1848 as provided in s. 893.13.

1849 (3) This section does not limit the ability of a private
1850 property owner to restrict the smoking or vaping of marijuana on
1851 his or her private property; however, a landlord may not prevent
1852 his or her tenants from possessing or using marijuana by other
1853 means.

1854 (4) This section does not exempt a person from prosecution
1855 for a criminal offense related to impairment or intoxication
1856 resulting from the use of marijuana or relieve a person from any

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1857 requirement under law to submit to a breath, blood, or urine
1858 test or any other test to detect the presence of a controlled
1859 substance.

1860 Section 4. The Department of Agriculture and Consumer
1861 Services shall adopt rules pursuant to ss. 120.536(1) and
1862 120.54, Florida Statutes, regulating the cultivation of
1863 marijuana by members of the public for their private use,
1864 including the use of a cooperative model for cultivation. The
1865 department shall adopt the rules no later than October 1, 2025.

1866 Section 5. Subsection (3) and paragraphs (a) and (b) of
1867 subsection (6) of section 893.13, Florida Statutes, are amended
1868 to read:

1869 893.13 Prohibited acts; penalties.—

1870 (3)(a) A person 21 years of age or older may, without
1871 consideration, deliver to another person 21 years of age or
1872 older:

1873 1. Marijuana products that contain a total of 2,000
1874 milligrams or less of tetrahydrocannabinol; and

1875 2. A quantity of 2.5 ounces or less of cannabis, as defined
1876 in this chapter.

1877 (b) A person younger than 21 years of age who, without
1878 consideration, delivers to another person marijuana products
1879 that contain a total of 2,000 milligrams or less of
1880 tetrahydrocannabinol or a quantity of 2.5 ounces or less of
1881 cannabis, as defined in this chapter, commits a misdemeanor of
1882 the second degree, punishable as provided in s. 775.082 or s.
1883 775.083, for a first conviction of a violation of this paragraph
1884 and commits a misdemeanor of the first degree, punishable as
1885 provided in s. 775.082 or s. 775.083, for a second or subsequent

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1886 conviction of a violation of this paragraph ~~who delivers,~~
1887 ~~without consideration, 20 grams or less of cannabis, as defined~~
1888 ~~in this chapter, commits a misdemeanor of the first degree,~~
1889 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1890 ~~this subsection, the term "cannabis" does not include the resin~~
1891 ~~extracted from the plants of the genus Cannabis or any compound~~
1892 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1893 ~~resin.~~

1894 (6) (a) Except as otherwise provided in this subsection, a
1895 person may not be in actual or constructive possession of a
1896 controlled substance unless such controlled substance was
1897 lawfully obtained from a practitioner or pursuant to a valid
1898 prescription or order of a practitioner while acting in the
1899 course of his or her professional practice or to be in actual or
1900 constructive possession of a controlled substance except as
1901 otherwise authorized by this chapter. A person who violates this
1902 provision commits a felony of the third degree, punishable as
1903 provided in s. 775.082, s. 775.083, or s. 775.084.

1904 (b) 1. A person 21 years of age or older may possess
1905 marijuana products that contain a total of 2,000 milligrams or
1906 less of tetrahydrocannabinol and may possess 4 ounces or less of
1907 cannabis, as defined in this chapter ~~If the offense is the~~
1908 ~~possession of 20 grams or less of cannabis, as defined in this~~
1909 ~~chapter, the person commits a misdemeanor of the first degree,~~
1910 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1911 ~~this subsection, the term "cannabis" does not include the resin~~
1912 ~~extracted from the plants of the genus Cannabis, or any compound~~
1913 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1914 ~~resin.~~

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1915 2. A person under 21 years of age who possesses marijuana
1916 products that contain a total of 2,000 milligrams or less of
1917 tetrahydrocannabinol or who possesses 4 ounces or less of
1918 cannabis, as defined in this chapter, commits a misdemeanor of
1919 the second degree, punishable as provided in s. 775.082 or s.
1920 775.083, for a first conviction of a violation of this paragraph
1921 and a misdemeanor of the first degree, punishable as provided in
1922 s. 775.082 or s. 775.083, for a second or subsequent conviction
1923 of a violation of this paragraph.

1924 Section 6. Section 893.1352, Florida Statutes, is created
1925 to read:

1926 893.1352 Retroactive application of s. 893.13.—

1927 (1) It is the intent of the Legislature to apply amendments
1928 to s. 893.13 retroactively to certain persons who were convicted
1929 of possession of cannabis before January 1, 2026.

1930 (2) As used in this section, a reference to "former s.
1931 893.13, Florida Statutes 2025," is a reference to s. 893.13 as
1932 it existed at any time before January 1, 2026.

1933 (3) (a) A person who was convicted of a violation of former
1934 s. 893.13, Florida Statutes 2025, for possessing 4 ounces or
1935 less of cannabis as defined in chapter 893, but was not
1936 sentenced under that section before January 1, 2026, must be
1937 sentenced in accordance with s. 775.082, s. 775.083, or s.
1938 775.084 for the degree of offense provided in s. 893.13.

1939 (b) A person who was convicted of a violation of former s.
1940 893.13, Florida Statutes 2025, for possessing 4 ounces or less
1941 of cannabis as defined in chapter 893, who was sentenced before
1942 January 1, 2026, to a term of imprisonment or probation pursuant
1943 to former s. 893.13, Florida Statutes 2025, and who is serving

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1944 the term of imprisonment or probation on or after January 1,
1945 2026, must have an opportunity for a sentence review hearing. If
1946 the person requests a sentence review hearing, he or she must be
1947 resentenced in accordance with paragraph (c).

1948 (c) Resentencing under this section must occur in the
1949 following manner:

1950 1. The Department of Corrections shall notify the person
1951 described in paragraph (b) of his or her eligibility to request
1952 a sentence review hearing.

1953 2. A person seeking sentence review under this section may
1954 submit an application to the court of original jurisdiction
1955 requesting that a sentence review hearing be held. The
1956 sentencing court retains original jurisdiction for the duration
1957 of the sentence for the purpose of this review.

1958 3. A person who is eligible for a sentence review hearing
1959 under this section is entitled to representation by legal
1960 counsel. If the person is indigent and unable to employ counsel,
1961 the court must appoint counsel under s. 27.52. Determination of
1962 indigence and costs of representation is as provided in ss.
1963 27.52 and 938.29.

1964 4. Upon receipt of a request for a sentence review hearing,
1965 the court of original jurisdiction shall hold such hearing to
1966 determine whether the person meets the criteria for resentencing
1967 under this section. If the court determines by a preponderance
1968 of the evidence that the person is currently serving a sentence
1969 for a violation of former s. 893.13, Florida Statutes 2025, and
1970 that the violation was for possession of cannabis in the amount
1971 of 4 ounces or less, the court must resentence the person in
1972 accordance with this section. If the court determines that the

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1973 person does not meet the criteria for resentencing under this
1974 section, the court must provide written findings as to why the
1975 person does not meet the criteria.

1976 5. If the court finds that the underlying facts of a
1977 conviction that is subject to resentencing are classified as a
1978 crime under s. 893.13, the person must be resentenced to a term
1979 that would not exceed the maximum sentence provided by that
1980 section. The person is entitled to receive credit for his or her
1981 time served.

1982 6. If the court finds that the underlying facts of a
1983 conviction that is subject to resentencing are not classified as
1984 a crime under s. 893.13, the person must be resentenced to time
1985 served and released from supervision as soon as reasonably
1986 possible.

1987 (4) Notwithstanding any other law, a person who has been
1988 convicted of a crime under former s. 893.13, Florida Statutes
1989 2025, and whose offense would not be classified as a crime under
1990 s. 893.13, must have all fines, fees, and costs related to such
1991 conviction waived.

1992 Section 7. Present subsections (5), (6), and (7) of section
1993 893.147, Florida Statutes, are redesignated as subsections (6),
1994 (7), and (8), respectively, a new subsection (5) is added to
1995 that section, and subsections (1), (2), and (4) of that section
1996 are amended, to read:

1997 893.147 Use, possession, manufacture, delivery,
1998 transportation, advertisement, or retail sale of drug
1999 paraphernalia, specified machines, and materials.—

2000 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2001 provided in subsection (5), it is unlawful for any person to

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2002 use, or to possess with intent to use, drug paraphernalia:

2003 (a) To plant, propagate, cultivate, grow, harvest,
2004 manufacture, compound, convert, produce, process, prepare, test,
2005 analyze, pack, repack, store, contain, or conceal a controlled
2006 substance in violation of this chapter; or

2007 (b) To inject, ingest, inhale, or otherwise introduce into
2008 the human body a controlled substance in violation of this
2009 chapter.

2010
2011 Any person who violates this subsection is guilty of a
2012 misdemeanor of the first degree, punishable as provided in s.
2013 775.082 or s. 775.083.

2014 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2015 as provided in subsection (5), it is unlawful for any person to
2016 deliver, possess with intent to deliver, or manufacture with
2017 intent to deliver drug paraphernalia, knowing, or under
2018 circumstances where one reasonably should know, that it will be
2019 used:

2020 (a) To plant, propagate, cultivate, grow, harvest,
2021 manufacture, compound, convert, produce, process, prepare, test,
2022 analyze, pack, repack, store, contain, or conceal a controlled
2023 substance in violation of this act; or

2024 (b) To inject, ingest, inhale, or otherwise introduce into
2025 the human body a controlled substance in violation of this act.

2026
2027 Any person who violates this subsection is guilty of a felony of
2028 the third degree, punishable as provided in s. 775.082, s.
2029 775.083, or s. 775.084.

2030 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as

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2031 provided in subsection (5), it is unlawful to use, possess with
2032 the intent to use, or manufacture with the intent to use drug
2033 paraphernalia, knowing or under circumstances in which one
2034 reasonably should know that it will be used to transport:

- 2035 (a) A controlled substance in violation of this chapter; or
2036 (b) Contraband as defined in s. 932.701(2)(a)1.

2037

2038 Any person who violates this subsection commits a felony of the
2039 third degree, punishable as provided in s. 775.082, s. 775.083,
2040 or s. 775.084.

2041 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.-

2042 (a) A person 21 years of age or older may possess, use,
2043 transport, or deliver, without consideration, to another person
2044 21 years of age or older a marijuana delivery device as defined
2045 in s. 381.986.

2046 (b) A person younger than 21 years of age who possesses,
2047 uses, transports, or delivers, without consideration, a
2048 marijuana delivery device as defined in s. 381.986 commits a
2049 misdemeanor of the second degree, punishable as provided in s.
2050 775.082 or s. 775.083 for a first conviction of a violation of
2051 this paragraph and a misdemeanor of the first degree, punishable
2052 as provided in s. 775.082 or s. 775.083, for a second or
2053 subsequent conviction of a violation of this paragraph.

2054 Section 8. Section 943.0586, Florida Statutes, is created
2055 to read:

2056 943.0586 Cannabis expunction.-

2057 (1) DEFINITIONS.-As used in this section, the term:

2058 (a) "Cannabis" has the same meaning as provided in chapter
2059 893.

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2060 (b) "Expunction" has the same meaning and effect as
2061 provided in s. 943.0585.

2062 (c) "Former s. 893.13, Florida Statutes 2025," is a
2063 reference to s. 893.13 as it existed at any time before January
2064 1, 2026.

2065 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
2066 eligible to petition a court to expunge a criminal history
2067 record for the conviction of former s. 893.13, Florida Statutes
2068 2025, if:

2069 (a) The person received a withholding of adjudication or
2070 adjudication of guilt for a violation of former s. 893.13,
2071 Florida Statutes 2025, for the possession of cannabis;

2072 (b) The person possessed 4 ounces or less of cannabis; and

2073 (c) The person is no longer under court supervision related
2074 to the disposition of arrest or alleged criminal activity to
2075 which the petition to expunge pertains.

2076 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2077 to expunge a criminal history record under this section, a
2078 person seeking to expunge such record must apply to the
2079 department for a certificate of eligibility for expunction. The
2080 department shall adopt rules to establish procedures for
2081 applying for and issuing a certificate of eligibility for
2082 expunction.

2083 (a) The department shall issue a certificate of eligibility
2084 for expunction to a person who is the subject of a criminal
2085 history record under this section, if that person:

2086 1. Satisfies the eligibility criteria in subsection (2);

2087 2. Has submitted to the department a written certified
2088 statement from the appropriate state attorney or statewide

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2089 prosecutor which confirms the criminal history record complies
2090 with the criteria in subsection (2); and

2091 3. Has submitted to the department a certified copy of the
2092 disposition of the charge to which the petition to expunge
2093 pertains.

2094 (b) A certificate of eligibility for expunction is valid
2095 for 12 months after the date of issuance stamped by the
2096 department on the certificate. After that time, the petitioner
2097 must reapply to the department for a new certificate of
2098 eligibility. The petitioner's status and the law in effect at
2099 the time of the renewal application determine the petitioner's
2100 eligibility.

2101 (4) PETITION.—Each petition to expunge a criminal history
2102 record must be accompanied by:

2103 (a) A valid certificate of eligibility issued by the
2104 department.

2105 (b) The petitioner's sworn statement that he or she:

2106 1. Satisfies the eligibility requirements for expunction in
2107 subsection (2); and

2108 2. Is eligible for expunction to the best of his or her
2109 knowledge.

2110 (5) PENALTIES.—A person who knowingly provides false
2111 information on his or her sworn statement submitted with a
2112 petition to expunge commits a felony of the third degree,
2113 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2114 (6) COURT AUTHORITY.—

2115 (a) The courts of this state have jurisdiction over their
2116 own procedures, including the maintenance, expunction, and
2117 correction of judicial records containing criminal history

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2118 information, to the extent that such procedures are not
2119 inconsistent with the conditions, responsibilities, and duties
2120 established by this section.

2121 (b) A court of competent jurisdiction shall order a
2122 criminal justice agency to expunge the criminal history record
2123 of a person who complies with this section. The court may not
2124 order a criminal justice agency to expunge a criminal history
2125 record under this section until the person seeking to expunge a
2126 criminal history record has applied for and received a
2127 certificate of eligibility under subsection (3).

2128 (c) Expunction granted under this section does not prevent
2129 the person who receives such relief from petitioning for the
2130 expunction or sealing of a later criminal history record as
2131 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2132 person is otherwise eligible under those sections.

2133 (7) PROCESSING OF A PETITION OR AN ORDER.—

2134 (a) In judicial proceedings under this section, a copy of
2135 the completed petition to expunge must be served upon the
2136 appropriate state attorney or the statewide prosecutor and upon
2137 the arresting agency; however, it is not necessary to make any
2138 agency other than the state a party. The appropriate state
2139 attorney or the statewide prosecutor and the arresting agency
2140 may respond to the court regarding the completed petition to
2141 expunge.

2142 (b) If relief is granted by the court, the clerk of the
2143 court shall certify copies of the order to the appropriate state
2144 attorney or the statewide prosecutor and the arresting agency.
2145 The arresting agency shall forward the order to any other agency
2146 to which the arresting agency disseminated the criminal history

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2147 record information to which the order pertains. The department
2148 shall forward the order to expunge to the Federal Bureau of
2149 Investigation. The clerk of the court shall certify a copy of
2150 the order to any other agency that the records of the court
2151 reflect has received the criminal history record from the court.

2152 (c) The department or any other criminal justice agency is
2153 not required to act on an order to expunge entered by a court if
2154 such order does not meet the requirements of this section. Upon
2155 receipt of such an order, the department shall notify the
2156 issuing court, the appropriate state attorney or statewide
2157 prosecutor, the petitioner or the petitioner's attorney, and the
2158 arresting agency of the reason for noncompliance. The
2159 appropriate state attorney or statewide prosecutor shall take
2160 action within 60 days to correct the record and petition the
2161 court to void the order. No cause of action, including contempt
2162 of court, may arise against any criminal justice agency for
2163 failure to comply with an order to expunge if the petitioner for
2164 such order failed to obtain the certificate of eligibility as
2165 required by this section or such order does not otherwise meet
2166 the requirements of this section.

2167 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2168 (a) The person who is the subject of a criminal history
2169 record that is expunged under this section may lawfully deny or
2170 fail to acknowledge any arrest or conviction covered by the
2171 expunged record, except if the person who is the subject of the
2172 record:

2173 1. Is a candidate for employment with a criminal justice
2174 agency;

2175 2. Is a defendant in a criminal prosecution;

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2176 3. Concurrently or subsequently petitions for relief under
2177 this section, s. 943.0583, s. 943.0585, or s. 943.059;

2178 4. Is a candidate for admission to The Florida Bar;

2179 5. Is seeking to be employed or licensed by or to contract
2180 with the Department of Children and Families, the Division of
2181 Vocational Rehabilitation within the Department of Education,
2182 the Agency for Health Care Administration, the Agency for
2183 Persons with Disabilities, the Department of Health, the
2184 Department of Elderly Affairs, or the Department of Juvenile
2185 Justice or to be employed or used by such contractor or licensee
2186 in a sensitive position having direct contact with children,
2187 persons with disabilities, or the elderly;

2188 6. Is seeking to be employed or licensed by the Department
2189 of Education, any district school board, any university
2190 laboratory school, any charter school, any private or parochial
2191 school, or any local governmental entity that licenses child
2192 care facilities;

2193 7. Is seeking to be licensed by the Division of Insurance
2194 Agent and Agency Services within the Department of Financial
2195 Services; or

2196 8. Is seeking to be appointed as a guardian pursuant to s.
2197 744.3125.

2198 (b) A person who has been granted an expunction under this
2199 section and who is authorized under paragraph (a) to lawfully
2200 deny or fail to acknowledge the arrests and convictions covered
2201 by an expunged record may not be held under any law of this
2202 state to have committed perjury or to be otherwise liable for
2203 giving a false statement by reason of his or her failure to
2204 recite or acknowledge an expunged criminal history record.

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2205 Section 9. Section 893.15, Florida Statutes, is amended to
2206 read:

2207 893.15 Rehabilitation.—Any person who violates s.
2208 893.13(6) (a) ~~or (b)~~ relating to possession may, in the
2209 discretion of the trial judge, be required to participate in a
2210 substance abuse services program approved or regulated by the
2211 Department of Children and Families pursuant to the provisions
2212 of chapter 397, provided the director of such program approves
2213 the placement of the defendant in such program. Such required
2214 participation shall be imposed in addition to any penalty or
2215 probation otherwise prescribed by law. However, the total time
2216 of such penalty, probation, and program participation may ~~shall~~
2217 not exceed the maximum length of sentence possible for the
2218 offense.

2219 Section 10. Except as otherwise expressly provided in this
2220 act and except for this section, which shall take effect upon
2221 becoming a law, this act shall take effect January 1, 2026.