

By Senator Gruters

22-01389-25

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1                   A bill to be entitled  
2       An act relating to home cultivation of marijuana;  
3       amending s. 381.986, F.S.; conforming a cross-  
4       reference; authorizing certain qualified patients to  
5       apply to the Department of Agriculture and Consumer  
6       Services for a certificate to cultivate up to two  
7       cannabis plants for personal consumption; requiring  
8       the department to adopt rules related to such  
9       certificates, including rules for inspection and  
10      registration of each cannabis plant; requiring an  
11      applicant to provide certain documentation if he or  
12      she is leasing a residence; providing that no more  
13      than two cannabis plants may be cultivated at a single  
14      residence regardless of the number of eligible  
15      qualified patients who reside there; specifying  
16      limitations on and requirements for the cultivation of  
17      cannabis plants for personal use; providing criminal  
18      penalties; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22       Section 1. Present subsections (10) through (17) of section  
23      381.986, Florida Statutes, are redesignated as subsections (11)  
24      through (18), respectively, a new subsection (10) is added to  
25      that section, and paragraph (f) of subsection (4) of that  
26      section is amended, to read:

27       381.986 Medical use of marijuana.—

28       (4) PHYSICIAN CERTIFICATION.—

29       (f) A qualified physician may not issue a physician

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30 certification for more than three 70-day supply limits of  
31 marijuana or more than six 35-day supply limits of marijuana in  
32 a form for smoking. The department shall quantify by rule a  
33 daily dose amount with equivalent dose amounts for each  
34 allowable form of marijuana dispensed by a medical marijuana  
35 treatment center. The department shall use the daily dose amount  
36 to calculate a 70-day supply.

37 1. A qualified physician may request an exception to the  
38 daily dose amount limit, the 35-day supply limit of marijuana in  
39 a form for smoking, and the 4-ounce possession limit of  
40 marijuana in a form for smoking established in paragraph (15) (a)  
41 ~~(14) (a)~~. The request must ~~shall~~ be made electronically on a form  
42 adopted by the department in rule and must include, at a  
43 minimum:

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

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

47 c. A description of how the patient will benefit from an  
48 increased amount.

49 d. The minimum daily dose amount of marijuana that would be  
50 sufficient for the treatment of the qualified patient's  
51 qualifying medical condition.

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

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

58 (10) HOME CULTIVATION.-

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59 (a) A qualified patient who is at least 21 years of age may  
60 apply to the Department of Agriculture and Consumer Services for  
61 a certificate authorizing the qualified patient to cultivate up  
62 to two cannabis plants at his or her residence for personal  
63 consumption. The Department of Agriculture and Consumer Services  
64 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
65 establishing procedures for the issuance, renewal, suspension,  
66 replacement, surrender, and revocation of such certificates,  
67 including rules providing for the inspection and registration of  
68 each cannabis plant by the Department of Agriculture and  
69 Consumer Services. For any residence that is leased, the  
70 certificate applicant must provide documentation demonstrating  
71 that the property owner consents to marijuana cultivation on the  
72 property. No more than two cannabis plants may be cultivated at  
73 a single residence, regardless of the number of qualified  
74 patients 21 years of age who reside there.

75 (b) Cannabis plants may not be cultivated in a location  
76 where the plants are subject to public view, including a view  
77 from another private property, without the use of binoculars,  
78 aircraft, or other special aids.

79 (c) A qualified patient who cultivates cannabis shall  
80 ensure the plants are located in an enclosed, locked space to  
81 prevent access by unauthorized persons and persons younger than  
82 21 years of age. The use of cannabis cultivated for personal  
83 consumption is subject to the limitations on use or  
84 administration of marijuana as specified in subparagraph  
85 (1)(k)5.

86 (d) A person who violates this subsection commits a  
87 misdemeanor of the first degree, punishable as provided in s.

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88 775.082 or s. 775.083.

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