

By Senator Smith

17-00091A-26

20261398

17-00091A-26

20261398

30 requiring that work done by contractors be performed
31 at permitted facilities; requiring licensees using a
32 contractor to register the contractor's principals and
33 employees under certain circumstances; providing that
34 such principals and employees may not begin
35 participating in the operations until they have
36 received an identification card from the department;
37 providing for the destruction of certain marijuana
38 byproducts within a specified timeframe after their
39 production; authorizing MMTCs licensed to cultivate
40 and process marijuana to sell marijuana at wholesale
41 to other registered MMTCs only if certain conditions
42 are met; prohibiting an MMTC from transporting or
43 delivering 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 a retail
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

17-00091A-26

20261398

operations in a facility under certain circumstances; prohibiting a dispensing facility from repackaging or modifying marijuana that has already been packaged for sale; providing exceptions; authorizing a retail licensee to contract with an MMTC that has a transportation license to transport marijuana for the retail licensee under certain circumstances; prohibiting onsite consumption or administration of marijuana at a dispensing facility; revising requirements for the dispensing of marijuana by an MMTC licensed for retail; requiring an MMTC licensed for retail to include specified information on the label for marijuana or a marijuana delivery device dispensed to a qualified patient or caregiver; authorizing an MMTC to sell marijuana to an adult 21 years of age or older under certain circumstances; requiring MMTC employees to verify the age of such buyers using specified methods; prohibiting an MMTC from requesting or storing a buyer's personal information other than that needed to verify the buyer's age; revising a provision prohibiting an MMTC from dispensing or selling specified products; revising safety and security requirements for MMTCs; providing application requirements for an MMTC to obtain a transportation license; prohibiting the transportation of marijuana on certain properties; requiring that marijuana be transported only in vehicles owned or leased by a licensee or the licensee's contractor and appropriately permitted by

17-00091A-26

20261398

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

17-00091A-26

20261398

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

17-00091A-26

20261398

146 to be insured with specified hazard and liability
147 insurance; providing requirements for the location of
148 dispensing facilities and storage facilities;
149 clarifying that the governing body of a county or a
150 municipality may prohibit or limit the number of
151 dispensing facilities located within its jurisdiction
but may not prohibit an MMTC licensed for retail or
152 its permitted storage facility from being located in
153 such county's or municipality's jurisdiction if the
154 MMTC is delivering marijuana to qualified patients in
155 that jurisdiction; prohibiting the department from
156 issuing a facility permit for a dispensing facility in
157 a county or municipality that adopts a specified
158 ordinance; prohibiting counties and municipalities
159 from requiring, requesting, or accepting financial
160 contributions or similar benefits from MMTCs, except
161 for levying local business taxes; authorizing a county
162 or 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

17-00091A-26

20261398

175 persons who satisfy specified conditions and issue
176 them MMTC employee identification cards; providing
177 requirements for the identification cards; requiring a
178 registered person and the MMTC to update the
179 department within a specified timeframe if certain
180 information or the person's employment status changes;
181 authorizing the department to contract with vendors to
182 issue MMTC employee identification cards; requiring
183 the department to inspect an MMTC and its facilities
184 upon receipt of a complaint and to inspect each
185 permitted facility at least biennially; authorizing
186 the department to conduct additional inspections of a
187 facility under certain circumstances; revising
188 administrative penalties; authorizing the department
189 to suspend, revoke, or refuse to renew an MMTC's
190 registration, operating licenses, vehicle permits, or
191 facility permits for violating certain provisions;
192 requiring the department to refuse to renew an MMTC's
193 cultivation, processing, retail, or transportation
194 license under certain circumstances; revising
195 provisions related to criminal and civil penalties and
196 fees to conform to changes made by the act; providing
197 applicability; deleting obsolete language; creating s.
198 381.9901, F.S.; authorizing a person 21 years of age
199 or older to purchase marijuana products, marijuana in
200 a form for smoking, and marijuana delivery devices
201 under certain circumstances; requiring that such
202 products be purchased only from an MMTC licensed by
203 the department for the retail sale of marijuana and

17-00091A-26

20261398

204 registered with the Department of Business and
205 Professional Regulation for sale of marijuana for
206 adult use; providing for criminal penalties;
207 authorizing a person 21 years of age or older to
208 possess, use, transport, or transfer to another person
209 21 years of age or older marijuana products, marijuana
210 in a form for smoking, and marijuana delivery devices
211 under certain circumstances; providing limitations and
212 criminal penalties; clarifying that a private property
213 owner may restrict the smoking or vaping of marijuana
214 on his or her property but a landlord may not prevent
215 his or her tenants from possessing or using marijuana
216 by other means; providing that certain provisions do
217 not exempt a person from prosecution for a criminal
218 offense related to impairment or intoxication
219 resulting from the use of marijuana and do not relieve
220 a person from any legal requirement to submit to
221 certain tests to detect the presence of a controlled
222 substance; amending s. 604.71, F.S.; authorizing
223 certain qualified patients to cultivate up to six
224 flowering cannabis plants for personal consumption and
225 noncommercial purposes; authorizing certain qualified
226 patients to purchase medical marijuana seeds and
227 clones from a licensed medical marijuana treatment
228 center; requiring a qualified patient who cultivates
229 cannabis to take specified precautions; providing that
230 the personal consumption of cannabis cultivated at a
231 qualified patient's residence is subject to specified
232 limitations; providing for penalties; requiring the

17-00091A-26

20261398

233 Department of Agriculture and Consumer Services, by a
234 specified date, to adopt rules regulating the
235 cultivation of marijuana by members of the public for
236 private use, including rules regulating the use of a
237 specified model for cultivation; amending s. 893.13,
238 F.S.; authorizing a person 21 years of age or older to
239 deliver marijuana products to another person 21 years
240 of age or older and to possess marijuana products in a
241 specified amount under certain circumstances;
242 providing criminal penalties for the delivery or
243 possession of marijuana products by a person younger
244 than 21 years of age under certain circumstances;
245 creating s. 893.1352, F.S.; providing legislative
246 intent; providing construction; providing for the
247 retroactive applicability of s. 893.13, F.S.;
248 requiring certain sentences for specified offenses;
249 requiring that individuals serving certain sentences
250 for specified crimes receive sentence review hearings,
251 if requested; providing requirements for sentence
252 review and resentencing; requiring that certain
253 conviction-related fines, fees, and costs be waived
254 under certain circumstances; amending s. 893.147,
255 F.S.; authorizing a person 21 years of age or older to
256 possess, use, transport, or deliver, without
257 consideration, a marijuana delivery device to another
258 person 21 years of age or older; providing criminal
259 penalties for the possession, use, transport, or
260 delivery, without consideration, of a marijuana
261 delivery device by a person younger than 21 years of

17-00091A-26

20261398

age under certain circumstances; creating s. 943.0586, F.S.; defining terms; authorizing an individual convicted of certain crimes to petition the court for expunction of his or her criminal history record under specified circumstances; requiring such individual to first obtain a certificate of eligibility for expunction from the Department of Law Enforcement; requiring the department to adopt rules establishing procedures for applying for and issuing such certificates; requiring the department to issue a certificate of eligibility for expunction under specified circumstances; providing that the certificate is valid for a specified timeframe; providing for reapplication for such certificate; providing requirements for the petition for expunction; providing criminal penalties; providing for the court's authority over its own procedures, with an exception; requiring the court to order the expunction of a criminal history record under certain circumstances; clarifying that expunction of certain criminal history records does not affect eligibility for expunction of other criminal history records; providing requirements for processing expunction petitions and orders; providing that expunction orders that do not comply with specified provisions are not required to be acted on; providing a process to remedy such noncompliant orders; providing that no cause of action may rise against any criminal justice agency for failure to act on an expunction order if the

17-00091A-26

20261398

291 petitioner failed to obtain a certificate of
292 eligibility or while the order is noncompliant;
293 providing that a person granted an expunction may
294 lawfully deny or fail to acknowledge the underlying
295 arrest or conviction, with exceptions; providing that
296 a person may not be deemed to have committed perjury
297 or otherwise held liable for giving a false statement
298 if he or she fails to recite or acknowledge an
299 expunged criminal history record; amending s. 893.15,
300 F.S.; conforming a provision to changes made by the
301 act; providing effective dates.

302

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

304

305 Section 1. Paragraph (1) of subsection (2) of section
306 212.08, Florida Statutes, is amended to read:

307 212.08 Sales, rental, use, consumption, distribution, and
308 storage tax; specified exemptions.—The sale at retail, the
309 rental, the use, the consumption, the distribution, and the
310 storage to be used or consumed in this state of the following
311 are hereby specifically exempt from the tax imposed by this
312 chapter.

313 (2) EXEMPTIONS; MEDICAL.—

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

318 Section 2. Paragraphs (e) through (i), (k), and (l) of
319 subsection (1), paragraph (b) of subsection (3), paragraph (f)

17-00091A-26

20261398

320 of subsection (4), paragraphs (a) and (f) of subsection (5),
321 paragraph (b) of subsection (6), subsections (8) through (12),
322 paragraphs (a), (b), (c), and (f) of subsection (14), and
323 subsection (17) of section 381.986, Florida Statutes, are
324 amended to read:

325 381.986 Medical use of marijuana.—

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

327 (e) "Edibles" means commercially produced food items made
328 with marijuana oil, but no other form of marijuana, which that
329 are produced and dispensed by a medical marijuana treatment
330 center (MMTC).

331 (f) "Low-THC cannabis" means a plant of the genus *Cannabis*,
332 the dried flowers of which contain 0.8 percent or less of
333 tetrahydrocannabinol and more than 10 percent of cannabidiol
334 weight for weight; the seeds thereof; the resin extracted from
335 any part of such plant; or any compound, manufacture, salt,
336 derivative, mixture, or preparation of such plant or its seeds
337 or resin which that is dispensed from an MMTC a medical
338 marijuana treatment center.

339 (g) "Marijuana" means all parts of any plant of the genus
340 *Cannabis*, whether growing or not; the seeds thereof; the resin
341 extracted from any part of the plant; and every compound,
342 manufacture, salt, derivative, mixture, or preparation of the
343 plant or its seeds or resin, including low-THC cannabis, which
344 is are dispensed from an MMTC a medical marijuana treatment
345 center for medical use by a qualified patient.

346 (h) "Marijuana delivery device" means an object used,
347 intended for use, or designed for use in preparing, storing,
348 ingesting, inhaling, or otherwise introducing marijuana into the

17-00091A-26

20261398

349 human body, and which object is dispensed from an MMTC a medical
350 ~~marijuana treatment center~~ for medical use by a qualified
351 patient; however, such objects except that ~~delivery devices~~
352 intended solely for the medical use of marijuana by smoking need
353 not be dispensed from an MMTC and a medical marijuana treatment
354 ~~center in order to qualify as marijuana delivery devices.~~

355 (i) "Marijuana testing laboratory" means a facility
356 certified by the department pursuant to s. 381.988 which that
357 collects and analyzes marijuana samples from an MMTC a medical
358 ~~marijuana treatment center and has been certified by the~~
359 ~~department pursuant to s. 381.988.~~

360 (k) "Medical use" means the acquisition, possession, use,
361 delivery, transfer, or administration of marijuana authorized by
362 a physician certification. The term does not include:

363 1. Possession, use, or administration of marijuana that was
364 not purchased or acquired from an MMTC a medical marijuana
365 ~~treatment center.~~

366 2. Possession, use, or administration of marijuana in the
367 form of commercially produced food items other than edibles or
368 of marijuana seeds.

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

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

375 5. Use or administration of marijuana in the following
376 locations:

377 a. On any form of public transportation, except for low-THC

17-00091A-26

20261398

378 cannabis not in a form for smoking.

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

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

383 d. In a state correctional institution, as defined in s.
384 944.02, or a correctional institution, as defined in s. 944.241.

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

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

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

391 (1) "Physician certification" means a qualified physician's
392 authorization for a qualified patient to receive marijuana and a
393 marijuana delivery device from an MMTC a medical marijuana
394 ~~treatment center~~.

395 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

399 (4) PHYSICIAN CERTIFICATION.—

400 (f) A qualified physician may not issue a physician
401 certification for more than three 70-day supply limits of
402 marijuana or more than six 35-day supply limits of marijuana in
403 a form for smoking. The department shall quantify by rule a
404 daily dose amount with equivalent dose amounts for each
405 allowable form of marijuana dispensed by an MMTC a medical
406 ~~marijuana treatment center~~. The department shall use the daily

17-00091A-26

20261398

407 dose amount to calculate a 70-day supply.

408 1. A qualified physician may request an exception to the
409 daily dose amount limit, the 35-day supply limit of marijuana in
410 a form for smoking, and the 4-ounce possession limit of
411 marijuana in a form for smoking established in paragraph
412 (14) (a). The request must ~~shall~~ be made electronically on a form
413 adopted by the department in rule and must include, at a
414 minimum:

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

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

418 c. A description of how the patient will benefit from an
419 increased amount.

420 d. The minimum daily dose amount of marijuana that would be
421 sufficient for the treatment of the qualified patient's
422 qualifying medical condition.

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

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

429 (5) MEDICAL MARIJUANA USE REGISTRY.—

430 (a) The department shall create and maintain a secure,
431 electronic, and online medical marijuana use registry for
432 physicians, patients, and caregivers as provided under this
433 section. The medical marijuana use registry must be accessible
434 to law enforcement agencies, qualified physicians, and MMTCs
435 ~~medical marijuana treatment centers~~ to verify the authorization

17-00091A-26

20261398

436 of a qualified patient or a caregiver to possess marijuana or a
437 marijuana delivery device and record the marijuana or marijuana
438 delivery device dispensed. The medical marijuana use registry
439 must also be accessible to practitioners licensed to prescribe
440 prescription drugs to ensure proper care for patients before
441 medications that may interact with the medical use of marijuana
442 are prescribed. The medical marijuana use registry must prevent
443 an active registration of a qualified patient by multiple
444 physicians.

445 (f) The department may revoke the registration of a
446 qualified patient or caregiver who cultivates marijuana or who
447 acquires, possesses, or delivers marijuana from any person or
448 entity other than an MMTC a medical marijuana treatment center.

449 (6) CAREGIVERS.—

450 (b) A caregiver must:

451 1. Not be a qualified physician and not be employed by or
452 have an economic interest in an MMTC a medical marijuana
453 treatment center or a marijuana testing laboratory.

454 2. Be 21 years of age or older and a resident of this
455 state.

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

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

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

17-00091A-26

20261398

465 6. Pass a level 2 background screening pursuant to chapter
466 ~~435 subsection (9)~~, unless the patient is a close relative of
467 the caregiver. In addition to the disqualifying offenses
468 specified in s. 435.04(2) and (3), a person may not serve as a
469 caregiver if he or she has an arrest awaiting final disposition
470 for; has been found guilty of, regardless of adjudication; or
471 has entered a plea of nolo contendere or guilty to an offense
472 under chapter 837, chapter 895, or chapter 896 or a similar law
473 of another jurisdiction.

474 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

475 (a) ~~The department shall license medical marijuana~~
476 ~~treatment centers to ensure reasonable statewide accessibility~~
477 ~~and availability as necessary for qualified patients registered~~
478 ~~in the medical marijuana use registry and who are issued a~~
479 ~~physician certification under this section.~~

480 1. ~~As soon as practicable, but no later than July 3, 2017,~~
481 ~~the department shall license as a medical marijuana treatment~~
482 ~~center any entity that holds an active, unrestricted license to~~
483 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
484 ~~medical cannabis, and cannabis delivery devices, under former s.~~
485 ~~381.986, Florida Statutes 2016, before July 1, 2017, and which~~
486 ~~meets the requirements of this section. In addition to the~~
487 ~~authority granted under this section, these entities are~~
488 ~~authorized to dispense low-THC cannabis, medical cannabis, and~~
489 ~~cannabis delivery devices ordered pursuant to former s. 381.986,~~
490 ~~Florida Statutes 2016, which were entered into the compassionate~~
491 ~~use registry before July 1, 2017, and are authorized to begin~~
492 ~~dispensing marijuana under this section on July 3, 2017. The~~
493 ~~department may grant variances from the representations made in~~

17-00091A-26

20261398

494 such an entity's original application for approval under former
495 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

499 a. As soon as practicable, but no later than August 1,
500 2017, the department shall license any applicant whose
501 application was reviewed, evaluated, and scored by the
502 department and which was denied a dispensing organization
503 license by the department under former s. 381.986, Florida
504 Statutes 2014; which had one or more administrative or judicial
505 challenges pending as of January 1, 2017, or had a final ranking
506 within one point of the highest final ranking in its region
507 under former s. 381.986, Florida Statutes 2014; which meets the
508 requirements of this section; and which provides documentation
509 to the department that it has the existing infrastructure and
510 technical and technological ability to begin cultivating
511 marijuana within 30 days after registration as a medical
512 marijuana treatment center.

513 b. As soon as practicable, the department shall license one
514 applicant that is a recognized class member of *Pigford v.*
515 *Cleckman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
516 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
517 under this sub-subparagraph is exempt from the requirement of
518 subparagraph (b)2. An applicant that applies for licensure under
519 this sub-subparagraph, pays its initial application fee, is
520 determined by the department through the application process to
521 qualify as a recognized class member, and is not awarded a
522 license under this sub-subparagraph may transfer its initial

17-00091A-26

20261398

523 application fee to one subsequent opportunity to apply for
524 licensure under subparagraph 4.

525 e. As soon as practicable, but no later than October 3,
526 2017, the department shall license applicants that meet the
527 requirements of this section in sufficient numbers to result in
528 10 total licenses issued under this subparagraph, while
529 accounting for the number of licenses issued under sub-
530 subparagraphs a. and b.

531 3. For up to two of the licenses issued under subparagraph
532 2., the department shall give preference to applicants that
533 demonstrate in their applications that they own one or more
534 facilities that are, or were, used for the canning,
535 concentrating, or otherwise processing of citrus fruit or citrus
536 molasses and will use or convert the facility or facilities for
537 the processing of marijuana.

538 4. Within 6 months after the registration of 100,000 active
539 qualified patients in the medical marijuana use registry, the
540 department shall license four additional medical marijuana
541 treatment centers that meet the requirements of this section.
542 Thereafter, the department shall license four medical marijuana
543 treatment centers within 6 months after the registration of each
544 additional 100,000 active qualified patients in the medical
545 marijuana use registry that meet the requirements of this
546 section.

547 (b) An applicant for licensure as a medical marijuana
548 treatment center must apply to the department on a form
549 prescribed by the department and adopted in rule. The department
550 shall adopt rules pursuant to ss. 120.536(1) and 120.54
551 establishing a procedure for the issuance and biennial renewal

17-00091A-26

20261398

552 of licenses, including initial application and biennial renewal
553 fees sufficient to cover the costs of implementing and
554 administering this section, and establishing supplemental
555 licensure fees for payment beginning May 1, 2018, sufficient to
556 cover the costs of administering ss. 381.989 and 1004.4351. The
557 department shall identify applicants with strong diversity plans
558 reflecting this state's commitment to diversity and implement
559 training programs and other educational programs to enable
560 minority persons and minority business enterprises, as defined
561 in s. 288.703, and veteran business enterprises, as defined in
562 s. 295.187, to compete for medical marijuana treatment center
563 licensure and contracts. Subject to the requirements in
564 subparagraphs (a) 2.-4., the department shall issue a license to
565 an applicant if the applicant meets the requirements of this
566 section and pays the initial application fee. The department
567 shall renew the licensure of a medical marijuana treatment
568 center biennially if the licensee meets the requirements of this
569 section and pays the biennial renewal fee. However, the
570 department may not renew the license of a medical marijuana
571 treatment center that has not begun to cultivate, process, and
572 dispense marijuana by the date that the medical marijuana
573 treatment center is required to renew its license. An individual
574 may not be an applicant, owner, officer, board member, or
575 manager on more than one application for licensure as a medical
576 marijuana treatment center. An individual or entity may not be
577 awarded more than one license as a medical marijuana treatment
578 center. An applicant for licensure as a medical marijuana
579 treatment center must demonstrate:

580 1. That, for the 5 consecutive years before submitting the

17-00091A-26

20261398

581 application, the applicant has been registered to do business in
582 this state.

583 2. Possession of a valid certificate of registration issued
584 by the Department of Agriculture and Consumer Services pursuant
585 to s. 581.131.

586 3. The technical and technological ability to cultivate and
587 produce marijuana, including, but not limited to, low-THC
588 cannabis.

589 4. The ability to secure the premises, resources, and
590 personnel necessary to operate as a medical marijuana treatment
591 center.

592 5. The ability to maintain accountability of all raw
593 materials, finished products, and any byproducts to prevent
594 diversion or unlawful access to or possession of these
595 substances.

596 6. An infrastructure reasonably located to dispense
597 marijuana to registered qualified patients statewide or
598 regionally as determined by the department.

599 7. The financial ability to maintain operations for the
600 duration of the 2 year approval cycle, including the provision
601 of certified financial statements to the department.

602 a. Upon approval, the applicant must post a \$5 million
603 performance bond issued by an authorized surety insurance
604 company rated in one of the three highest rating categories by a
605 nationally recognized rating service. However, a medical
606 marijuana treatment center serving at least 1,000 qualified
607 patients is only required to maintain a \$2 million performance
608 bond.

609 b. In lieu of the performance bond required under sub-

17-00091A-26

20261398

610 subparagraph a., the applicant may provide an irrevocable letter
611 of credit payable to the department or provide cash to the
612 department. If provided with cash under this sub-subparagraph,
613 the department must deposit the cash in the Grants and Donations
614 Trust Fund within the Department of Health, subject to the same
615 conditions as the bond regarding requirements for the applicant
616 to forfeit ownership of the funds. If the funds deposited under
617 this sub-subparagraph generate interest, the amount of that
618 interest must be used by the department for the administration
619 of this section.

620 8. That all owners and managers have passed a background
621 screening pursuant to subsection (9). As used in this
622 subparagraph, the term:

623 a. "Manager" means any person with the authority to
624 exercise or contribute to the operational control, direction, or
625 management of an applicant or a medical marijuana treatment
626 center or who has authority to supervise any employee of an
627 applicant or a medical marijuana treatment center. The term
628 includes an individual with the power or authority to direct or
629 influence the direction or operation of an applicant or a
630 medical marijuana treatment center through board membership, an
631 agreement, or a contract.

632 b. "Owner" means any person who owns or controls a 5
633 percent or greater share of interests of the applicant or a
634 medical marijuana treatment center which include beneficial or
635 voting rights to interests. In the event that one person owns a
636 beneficial right to interests and another person holds the
637 voting rights with respect to such interests, then in such case,
638 both are considered the owner of such interests.

17-00091A-26

20261398

639 9. The employment of a medical director to supervise the
640 activities of the medical marijuana treatment center.

641 10. A diversity plan that promotes and ensures the
642 involvement of minority persons and minority business
643 enterprises, as defined in s. 288.703, or veteran business
644 enterprises, as defined in s. 295.187, in ownership, management,
645 and employment. An applicant for licensure renewal must show the
646 effectiveness of the diversity plan by including the following
647 with his or her application for renewal:

648 a. Representation of minority persons and veterans in the
649 medical marijuana treatment center's workforce;

650 b. Efforts to recruit minority persons and veterans for
651 employment; and

652 c. A record of contracts for services with minority
653 business enterprises and veteran business enterprises.

654 (e) A medical marijuana treatment center may not make a
655 wholesale purchase of marijuana from, or a distribution of
656 marijuana to, another medical marijuana treatment center, unless
657 the medical marijuana treatment center seeking to make a
658 wholesale purchase of marijuana submits proof of harvest failure
659 to the department.

660 (d) Department responsibilities.—The department shall do
661 all of the following:

662 1. Adopt by rule all of the following:

663 a. Operating standards for the cultivation, processing,
664 packaging, and labeling of marijuana.

665 b. Standards for the sale of marijuana.

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

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

17-00091A-26

20261398

668 (II) The issuance and renewal of cultivation, processing,
669 retail, and transportation operating licenses.

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

672 (IV) The registration of all principals, employees, and
673 contractors of an MMTC who will participate in the operations of
674 the MMTC.

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

677 2. Establish, maintain, and control a computer software
678 tracking system that traces marijuana from seed to sale and
679 allows real-time, 24-hour access by the department to data from
680 all MMTCs medical marijuana treatment centers and marijuana
681 testing laboratories. The tracking system must allow for
682 integration of other seed-to-sale systems and, at a minimum,
683 include notification of when marijuana seeds are planted, when
684 marijuana plants are harvested and destroyed, and when marijuana
685 is transported, sold, stolen, diverted, or lost. Each MMTC
686 medical marijuana treatment center shall use the seed-to-sale
687 tracking system established by the department or integrate its
688 own seed-to-sale tracking system with the seed-to-sale tracking
689 system established by the department. Each MMTC medical
690 marijuana treatment center may use its own seed-to-sale system
691 until the department establishes a seed-to-sale tracking system.
692 The department may contract with a vendor to establish the seed-
693 to-sale tracking system. The vendor selected by the department
694 may not have a contractual relationship with the department to
695 perform any services pursuant to this section other than the
696 seed-to-sale tracking system. The vendor may not have a direct

17-00091A-26

20261398

697 or indirect financial interest in an MMTC a medical marijuana
698 ~~treatment center~~ or a marijuana testing laboratory.

699 (b) Registration.—

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

702 a. The applicant's full legal name.

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

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

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

711 e. The operation or operations in which the applicant
712 intends to engage, which may include one or more of the
713 following:

714 (I) Cultivation.

715 (II) Processing.

716 (III) Retail sales.

717 (IV) Transportation.

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

720 a. The applicant's completed registration form.

721 b. Personnel registration forms, as described in subsection
722 (9), for all principals, employees, and contractors listed on
723 the applicant's registration form who will participate in the
724 operations of the MMTC. The department may not register the
725 applicant as an MMTC until all principals, employees, and

17-00091A-26

20261398

726 contractors listed on the applicant's registration form have
727 registered with the department and are issued MMTC employee
728 identification cards.

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

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

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

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

741 (I) Registration requirements in this paragraph during the
742 registration period; or

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

746 3. A registration expires 2 years after the date it is
747 issued.

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

752 (c) *Cultivation licenses and processing licenses.*--

753 1. A registered MMTC may apply for a cultivation license or
754 a processing license. When applying, the MMTC must provide the

17-00091A-26

20261398

755 department with, at a minimum, all of the following:

756 a. A completed cultivation license or processing license
757 application form.

758 b. The physical address of each location where marijuana
759 will be cultivated, processed, or stored.

760 c. As applicable to the requested license or licenses:

761 (I) Proof of an established infrastructure, or the ability
762 to establish an infrastructure in a reasonable amount of time,
763 that is designed for cultivation, processing, testing,
764 packaging, and labeling marijuana; proof of the ability to
765 maintain the infrastructure's security; and proof of the ability
766 to prevent the theft or diversion of any marijuana.

767 (II) Proof that the applicant has the technical and
768 technological ability to cultivate and test or process and test
769 marijuana.

770 d. Proof of operating procedures designed to secure and
771 maintain accountability for all marijuana and marijuana-related
772 byproducts that come into the applicant's possession and to
773 comply with the required seed-to-sale tracking system.

774 2. Cultivation licenses and processing licenses expire 2
775 years after the date they are issued. To renew a license, the
776 licensee must meet all of the requirements for initial
777 licensure; must provide all of the documentation required under
778 subparagraph 1.; and may not have any uncorrected substantial
779 violation of the standards adopted by department rule for the
780 cultivation, processing, testing, packaging, and labeling of
781 marijuana.

782 3. Before beginning cultivation or processing at any
783 location, the licensee must obtain a facility permit from the

17-00091A-26

20261398

784 department for that location pursuant to paragraph (g) .

785 4. A licensee under this subsection may use contractors to
786 assist with the cultivation or processing of marijuana, as
787 applicable, but the licensee is ultimately responsible for all
788 operations performed by each contractor relating to the
789 cultivation or processing of marijuana and is responsible for
790 maintaining physical possession of the marijuana at all times.
791 All work done by a contractor must be performed at a location
792 that has a facility permit issued by the department. A licensee
793 using a contractor must register any principal or employee of a
794 contractor who will be participating in the operations of the
795 licensee as provided in subsection (9). Such principal or
796 employee may not begin participating in the operations of the
797 licensee until he or she has received an MMTC employee
798 identification card from the department.

799 5. All marijuana byproducts that cannot be processed or
800 reprocessed must be destroyed by the cultivation licensee or the
801 processing licensee or their respective contractors within 30
802 days after the production of the byproducts.

803 6. A licensee under this subsection may sell marijuana at
804 wholesale only to other registered MMTCs. Before selling
805 marijuana at wholesale, the selling MMTC shall provide the
806 purchasing MMTC with documentation showing that the marijuana
807 meets the testing, packaging, and labeling requirements of this
808 section. The purchasing MMTC shall review such documentation to
809 determine whether the marijuana is in compliance with this
810 section before taking possession of the marijuana.

811 7. Transportation or delivery of marijuana outside of the
812 property owned by a licensee under this subsection may be

17-00091A-26

20261398

813 performed only by an MMTC that holds a transportation license
814 issued pursuant to paragraph (f)

815 ~~(e) A licensed medical marijuana treatment center shall~~
816 ~~cultivate, process, transport, and dispense marijuana for~~
817 ~~medical use. A licensed medical marijuana treatment center may~~
818 ~~not contract for services directly related to the cultivation,~~
819 ~~processing, and dispensing of marijuana or marijuana delivery~~
820 ~~devices, except that a medical marijuana treatment center~~
821 ~~licensed pursuant to subparagraph (a)1. may contract with a~~
822 ~~single entity for the cultivation, processing, transporting, and~~
823 ~~dispensing of marijuana and marijuana delivery devices. A~~
824 ~~licensed medical marijuana treatment center shall, at all times,~~
825 ~~maintain compliance with the criteria demonstrated and~~
826 ~~representations made in the initial application and the criteria~~
827 ~~established in this subsection. Upon request, the department may~~
828 ~~grant a medical marijuana treatment center a variance from the~~
829 ~~representations made in the initial application. Consideration~~
830 ~~of such a request must be based upon the individual facts and~~
831 ~~circumstances surrounding the request. A variance may not be~~
832 ~~granted unless the requesting medical marijuana treatment center~~
833 ~~can demonstrate to the department that it has a proposed~~
834 ~~alternative to the specific representation made in its~~
835 ~~application which fulfills the same or a similar purpose as the~~
836 ~~specific representation in a way that the department can~~
837 ~~reasonably determine will not be a lower standard than the~~
838 ~~specific representation in the application. A variance may not~~
839 ~~be granted from the requirements in subparagraph 2. and~~
840 ~~subparagraphs (b)1. and 2.~~

841 ~~1. A licensed medical marijuana treatment center may~~

17-00091A-26

20261398

842 transfer ownership to an individual or entity who meets the
843 requirements of this section. A publicly traded corporation or
844 publicly traded company that meets the requirements of this
845 section is not precluded from ownership of a medical marijuana
846 treatment center. To accommodate a change in ownership:

847 a. The licensed medical marijuana treatment center shall
848 notify the department in writing at least 60 days before the
849 anticipated date of the change of ownership.

850 b. The individual or entity applying for initial licensure
851 due to a change of ownership must submit an application that
852 must be received by the department at least 60 days before the
853 date of change of ownership.

854 c. Upon receipt of an application for a license, the
855 department shall examine the application and, within 30 days
856 after receipt, notify the applicant in writing of any apparent
857 errors or omissions and request any additional information
858 required.

859 d. Requested information omitted from an application for
860 licensure must be filed with the department within 21 days after
861 the department's request for omitted information or the
862 application will be deemed incomplete and withdrawn from further
863 consideration and the fees forfeited.

864 e. Within 30 days after the receipt of a complete
865 application, the department shall approve or deny the
866 application.

867 2. A medical marijuana treatment center, and any individual
868 or entity who directly or indirectly owns, controls, or holds
869 with power to vote 5 percent or more of the voting shares of a
870 medical marijuana treatment center, may not acquire direct or

17-00091A-26

20261398

871 ~~indirect ownership or control of any voting shares or other form~~
872 ~~of ownership of any other medical marijuana treatment center.~~

873 ~~3. A medical marijuana treatment center may not enter into~~
874 ~~any form of profit-sharing arrangement with the property owner~~
875 ~~or lessor of any of its facilities where cultivation,~~
876 ~~processing, storing, or dispensing of marijuana and marijuana~~
877 ~~delivery devices occurs.~~

878 ~~4. All employees of a medical marijuana treatment center~~
879 ~~must be 21 years of age or older and have passed a background~~
880 ~~screening pursuant to subsection (9). As used in this~~
881 ~~subparagraph, the term "employee" means any person employed by a~~
882 ~~medical marijuana treatment center licensee in any capacity,~~
883 ~~including those whose duties involve any aspect of the~~
884 ~~cultivation, processing, transportation, or dispensing of~~
885 ~~marijuana. This requirement applies to all employees, regardless~~
886 ~~of the compensation received.~~

887 ~~5. Each medical marijuana treatment center must adopt and~~
888 ~~enforce policies and procedures to ensure employees and~~
889 ~~volunteers receive training on the legal requirements to~~
890 ~~dispense marijuana to qualified patients.~~

891 8.6. When growing marijuana, an MMTC licensed for
892 cultivation a medical marijuana treatment center:

893 a. May use pesticides determined by the department, after
894 consultation with the Department of Agriculture and Consumer
895 Services, to be safely applied to plants intended for human
896 consumption, but may not use pesticides designated as
897 restricted-use pesticides pursuant to s. 487.042.

898 b. Shall ~~Must~~ grow marijuana within an enclosed permitted
899 cultivation facility structure and in a room separate from any

17-00091A-26

20261398

900 other plant.

901 c. Shall ~~Must~~ inspect seeds and growing plants for plant
902 pests that endanger or threaten the horticultural and
903 agricultural interests of the state in accordance with chapter
904 581 and any rules adopted thereunder.905 d. Shall ~~Must~~ perform fumigation or treatment of plants, or
906 remove and destroy infested or infected plants, in accordance
907 with chapter 581 and any rules adopted thereunder.908 7. ~~Each medical marijuana treatment center must produce and~~
909 ~~make available for purchase at least one low-THC cannabis~~
910 ~~product.~~911 9.8. ~~An MMTC~~ A medical marijuana treatment center that
912 produces edibles must hold a permit to operate as a food
913 establishment pursuant to chapter 500, the Florida Food Safety
914 Act, and must comply with all the requirements for food
915 establishments pursuant to chapter 500 and any rules adopted
916 thereunder. ~~Edibles may not contain more than 200 milligrams of~~
917 ~~tetrahydrocannabinol, and a single serving portion of an edible~~
918 ~~may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles
919 may not have a tetrahydrocannabinol potency variance greater
920 than 15 percent. Marijuana products, including edibles, may not
921 be attractive to children; be manufactured in the shape of
922 humans, cartoons, or animals; be manufactured in a form that
923 bears any reasonable resemblance to products available for
924 consumption as commercially available candy; or contain any
925 color additives. To discourage consumption of edibles by
926 children, the department shall determine by rule all any shapes,
927 forms, and ingredients allowed and prohibited for edibles. MMTCs
928 ~~Medical marijuana treatment centers~~ may not begin processing or

17-00091A-26

20261398

929 dispensing edibles until after the effective date of the rule.
930 The department shall also adopt sanitation rules providing the
931 standards and requirements for the storage, display, or
932 dispensing of edibles.

933 ~~9. Within 12 months after licensure, a medical marijuana~~
934 ~~treatment center must demonstrate to the department that all of~~
935 ~~its processing facilities have passed a Food Safety Good~~
936 ~~Manufacturing Practices, such as Global Food Safety Initiative~~
937 ~~or equivalent, inspection by a nationally accredited certifying~~
938 ~~body. A medical marijuana treatment center must immediately stop~~
939 ~~processing at any facility which fails to pass this inspection~~
940 ~~until it demonstrates to the department that such facility has~~
941 ~~met this requirement.~~

942 ~~10. A medical marijuana treatment center that produces~~
943 ~~prerolled marijuana cigarettes may not use wrapping paper made~~
944 ~~with tobacco or hemp.~~

945 ~~11. When processing marijuana, an MMTC licensed for~~
946 ~~processing shall a medical marijuana treatment center must:~~

947 a. Process the marijuana within an enclosed permitted
948 processing facility structure and in a room separate from other
949 plants or products.

950 b. Comply with department rules when processing marijuana
951 with hydrocarbon solvents or other solvents or gases exhibiting
952 potential toxicity to humans. The department shall determine by
953 rule the requirements for ~~the medical marijuana treatment~~
954 ~~centers to use of such solvents or gases by MMTCs exhibiting~~
955 ~~potential toxicity to humans.~~

956 c. Comply with federal and state laws and regulations and
957 department rules for solid and liquid wastes. The department

17-00091A-26

20261398

958 shall determine by rule procedures for the storage, handling,
959 transportation, management, and disposal of solid and liquid
960 waste generated during marijuana production and processing. The
961 Department of Environmental Protection shall assist the
962 department in developing such rules.

963 d. Test the processed marijuana using a medical marijuana
964 testing laboratory before it is sold or dispensed. Results must
965 be verified and signed by two MMTC medical marijuana treatment
~~center~~ employees. Before selling, selling at wholesale, or
966 dispensing, the MMTC shall medical marijuana treatment center
967 ~~must~~ determine whether that the test results indicate that low-
968 THC cannabis meets the definition of low-THC cannabis, the
969 concentration of tetrahydrocannabinol meets the potency
970 requirements of this section, the labeling of the concentration
971 of tetrahydrocannabinol and cannabidiol is accurate, and all
972 marijuana is safe for human consumption and free from
973 contaminants that are unsafe for human consumption. The
974 department shall determine by rule which contaminants must be
975 tested for and the maximum levels of each contaminant which are
976 safe for human consumption. The Department of Agriculture and
977 Consumer Services shall assist the department in developing the
978 testing requirements for contaminants that are unsafe for human
979 consumption in edibles. The department shall also determine by
980 rule the procedures for the treatment of marijuana that fails to
981 meet the testing requirements of this section, s. 381.988, or
982 department rule. The department may select samples of marijuana
983 from an MMTC a medical marijuana treatment center facility which
984 ~~must~~ shall be tested by the department to determine whether the
985 marijuana meets the potency requirements of this section and, is

17-00091A-26

20261398

987 safe for human consumption, and is accurately labeled with the
988 tetrahydrocannabinol and cannabidiol concentration or to verify
989 the result of marijuana testing conducted by a marijuana testing
990 laboratory. The department may also select samples of marijuana
991 delivery devices from an MMTC ~~a medical marijuana treatment~~
992 ~~center~~ to determine whether the marijuana delivery device is
993 safe for use by qualified patients. An MMTC ~~A medical marijuana~~
994 ~~treatment center~~ may not require payment from the department for
995 the sample. An MMTC shall ~~A medical marijuana treatment center~~
996 ~~must~~ recall marijuana, including all marijuana and marijuana
997 products made from the same batch of marijuana, that fails to
998 meet the potency requirements of this section, that is unsafe
999 for human consumption, or for which the labeling of the
1000 tetrahydrocannabinol and cannabidiol concentration is
1001 inaccurate. The department shall adopt rules to establish
1002 marijuana potency variations of no greater than 15 percent using
1003 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
1004 for, but is not limited to, time lapses between testing, testing
1005 methods, testing instruments, and types of marijuana sampled for
1006 testing. The department may not issue any recalls for product
1007 potency as it relates to product labeling before issuing a rule
1008 relating to potency variation standards. An MMTC shall ~~A medical~~
1009 ~~marijuana treatment center~~ ~~must~~ also recall all marijuana
1010 delivery devices determined to be unsafe for use by qualified
1011 patients. An MMTC shall ~~The medical marijuana treatment center~~
1012 ~~must~~ retain records of all testing and samples of each
1013 homogeneous batch of marijuana for at least 9 months. An MMTC
1014 ~~shall~~ ~~The medical marijuana treatment center~~ ~~must~~ contract with
1015 a marijuana testing laboratory to perform audits on the MMTC's

17-00091A-26

20261398

1016 ~~medical marijuana treatment center's~~ standard operating
1017 procedures, testing records, and samples and provide the results
1018 to the department to confirm that the marijuana or low-THC
1019 cannabis meets the requirements of this section and that the
1020 marijuana or low-THC cannabis is safe for human consumption. An
1021 MMTC ~~A medical marijuana treatment center~~ shall reserve two
1022 processed samples from each batch and retain such samples for at
1023 least 9 months for the purpose of such audits. An MMTC ~~A medical~~
1024 ~~medical marijuana treatment center~~ may use a laboratory that has not
1025 been certified by the department under s. 381.988 until such
1026 time as at least one laboratory holds the required
1027 certification, ~~but in no event later than July 1, 2018.~~

1028 e. Package the marijuana in compliance with the United
1029 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1030 1471 et seq.

1031 f. Package the marijuana in a receptacle that has a firmly
1032 affixed and legible label stating the following information:

1033 (I) That the marijuana or low-THC cannabis meets the
1034 requirements of sub-subparagraph d.

1035 (II) The name of the ~~MMTC medical marijuana treatment~~
1036 ~~center~~ from which the marijuana originates.

1037 (III) The batch number and harvest number from which the
1038 marijuana originates and the date that the marijuana is sold or
1039 dispensed.

1040 (IV) ~~The name of the physician who issued the physician~~
1041 ~~certification.~~

1042 (V) ~~The name of the patient.~~

1043 (VI) The product name, if applicable, and dosage form,
1044 including concentration of tetrahydrocannabinol and cannabidiol.

17-00091A-26

20261398

1045 The product name may not contain wording commonly associated
1046 with products that are attractive to children or which promote
1047 the recreational use of marijuana.

1048 (V)-(VII) The recommended dose.

1049 (VI)-(VIII) A warning that it is illegal to transfer ~~medical~~
1050 marijuana to a another person younger than 21 years of age.

1051 (VII)-(IX) A marijuana universal symbol developed by the
1052 department.

1053 11.12. The MMTC that packages the marijuana ~~medical~~
1054 ~~marijuana treatment center~~ shall include in each package an a
1055 ~~patient package~~ insert with information on the specific product
1056 dispensed related to all of the following:

- 1057 a. Clinical pharmacology.
- 1058 b. Indications and use.
- 1059 c. Dosage and administration.
- 1060 d. Dosage forms and strengths.
- 1061 e. Contraindications.
- 1062 f. Warnings and precautions.
- 1063 g. Adverse reactions.

1064 12.13. In addition to the packaging and labeling
1065 requirements specified in subparagraphs 10. and 11. and 12.,
1066 marijuana in a form for smoking must be packaged in a sealed
1067 receptacle with a legible and prominent warning to keep the
1068 receptacle away from children and a warning that states that
1069 marijuana smoke contains carcinogens and may negatively affect
1070 health. Such receptacles for marijuana in a form for smoking
1071 must be plain, opaque, and white without depictions of the
1072 product or images other than the MMTC's ~~medical marijuana~~
1073 ~~treatment center's~~ department-approved logo and the marijuana

17-00091A-26

20261398

1074 universal symbol.

1075 13.14. The department shall adopt rules to regulate the
1076 types, appearance, and labeling of marijuana delivery devices
1077 dispensed from an MMTC ~~a medical marijuana treatment center~~. The
1078 rules must require marijuana delivery devices to have an
1079 appearance consistent with medical use.

1080 14.15. Each edible must be individually sealed in plain,
1081 opaque wrapping marked only with the marijuana universal symbol.
1082 ~~Where practical,~~ Each edible must be marked with the marijuana
1083 universal symbol. In addition to the packaging and labeling
1084 requirements in subparagraphs 10. and 11. and 12., edible
1085 receptacles must be plain, opaque, and white without depictions
1086 of the product or images other than the MMTC's ~~medical marijuana~~
1087 ~~treatment center's~~ department-approved logo and the marijuana
1088 universal symbol. The receptacle must also include a list of all
1089 the edible's ingredients, storage instructions, information on
1090 the estimated amount of time for the edible to take effect, an
1091 expiration date, a legible and prominent warning to keep the
1092 receptacle away from children and pets, and a warning that the
1093 edible has not been produced or inspected pursuant to federal
1094 food safety laws.

1095 (d) Retail licenses.—

1096 1. A registered MMTC may apply for a retail license. When
1097 applying, the MMTC must provide the department with, at a
1098 minimum, all of the following:

1099 a. A completed retail license application form.

1100 b. A statement by the applicant which indicates whether the
1101 applicant intends to dispense by delivery. A retail licensee may
1102 not deliver marijuana without also obtaining a transportation

17-00091A-26

20261398

1103 license pursuant to paragraph (f).

1104 c. The physical address of each location where the
1105 applicant will dispense or store marijuana.

1106 d. Identifying information for all other current or
1107 previous retail licenses held by the applicant or any of the
1108 applicant's principals.

1109 e. Proof of operating procedures designed to secure and
1110 maintain accountability for all marijuana that the applicant
1111 receives and possesses, to ensure that only the allowed amount
1112 of marijuana is sold or dispensed, to ensure that the specified
1113 type of marijuana is correctly dispensed to a qualified patient
1114 or his or her caregiver pursuant to a physician certification,
1115 and to monitor the medical marijuana patient registry and
1116 electronically update the registry with dispensing information.

1117 2. A retail license expires 2 years after the date it is
1118 issued. The retail licensee must apply for license renewal
1119 before the expiration date. To renew a license, a retail
1120 licensee must meet all of the requirements for initial
1121 licensure; must provide all of the documents required under
1122 paragraph (b); and must not have any outstanding substantial
1123 violations of the applicable standards adopted by department
1124 rule.

1125 3. Before beginning to sell, dispense, or store marijuana,
1126 the retail licensee must obtain a facility permit from the
1127 department for each location where marijuana will be sold,
1128 dispensed, or stored. If a facility's permit expires or is
1129 suspended or revoked, the MMTC must cease all applicable
1130 operations at that facility until the department inspects the
1131 facility and renews or reinstates the facility's permit.

17-00091A-26

20261398

1132 4. A dispensing facility may not repack or modify
1133 marijuana that has already been packaged for sale by a
1134 cultivation licensee or processing licensee unless the
1135 repackaging is of unprocessed marijuana, is done in accordance
1136 with instructions from the cultivator or processor, and is
1137 documented in the required seed-to-sale tracking system.

1138 5. A retail licensee may contract with an MMTC that has a
1139 transportation license to transport marijuana between properties
1140 owned by the retail licensee, to deliver the marijuana for sale
1141 or dispensing, and to pick up returns of marijuana.

1142 6. Onsite consumption or administration of marijuana at a
1143 dispensing facility is prohibited.

1144 7.16. When dispensing marijuana or a marijuana delivery
1145 device, an MMTC licensed for retail a medical marijuana
1146 treatment center:

1147 a. May dispense any active, valid order for low-THC
1148 cannabis, medical cannabis and cannabis delivery devices issued
1149 pursuant to former s. 381.986, Florida Statutes 2016, which was
1150 entered into the medical marijuana use registry before July 1,
1151 2017.

1152 b. May not dispense more than one a 70-day supply of
1153 marijuana within any 70-day period to a qualified patient or
1154 caregiver and may not dispense more than one 35-day supply of
1155 marijuana in a form for smoking within any 35-day period to a
1156 qualified patient or caregiver. A 35-day supply of marijuana in
1157 a form for smoking may not exceed 2.5 ounces unless an exception
1158 to this amount is approved by the department pursuant to
1159 paragraph (4) (f).

1160 c. Shall require ~~Must have the~~ MMTC's ~~medical marijuana~~

17-00091A-26

20261398

1161 ~~treatment center's~~ employee who dispenses the marijuana or a
1162 marijuana delivery device to enter into the medical marijuana
1163 use registry his or her name or unique employee identifier.

1164 d. Shall ~~must~~ verify before dispensing to a qualified
1165 patient or caregiver that the qualified patient and, if
1166 applicable, the caregiver, ~~if applicable~~, each have an active
1167 registration in the medical marijuana use registry and an active
1168 and valid medical marijuana use registry identification card;
1169 that, the amount and type of marijuana dispensed matches the
1170 physician certification in the medical marijuana use registry
1171 for that qualified patient; ~~;~~ and that the physician
1172 certification has not already been filled.

1173 e. Shall, before dispensing to a qualified patient or
1174 caregiver, label the marijuana or the marijuana delivery device
1175 with the name of the physician who issued the physician
1176 certification and the name of the patient for whom the
1177 certification was issued.

1178 f. May not dispense marijuana to a qualified patient ~~who is~~
1179 younger than 18 years of age. If the qualified patient is
1180 younger than 18 years of age, marijuana may ~~only~~ be dispensed
1181 only to the qualified patient's caregiver.

1182 g. May sell marijuana to an adult 21 years of age or older
1183 pursuant to s. 381.9901, provided that the MMTC is registered
1184 with the Department of Business and Professional Regulation
1185 pursuant to that section. When selling marijuana pursuant to
1186 that section, the employee selling the marijuana must determine
1187 that the appearance of the buyer is such that a prudent person
1188 would believe the buyer to be 21 years of age or older or must
1189 carefully check the buyer's driver license, identification card

17-00091A-26

20261398

1190 issued by this state or another state of the United States,
1191 passport, or United States Armed Services identification card to
1192 determine the buyer's age. Other than for the purpose of
1193 determining a buyer's age, an MMTC may not request or store any
1194 personal information provided by the buyer.

1195 h.f. May not dispense or sell any other type of cannabis,
1196 alcohol, or illicit drug-related product, including pipes or
1197 wrapping papers made with tobacco or hemp, other than a
1198 marijuana delivery device required for the medical use of
1199 marijuana and which is specified in a physician certification.

1200 i.g. Shall Must, upon dispensing the marijuana or marijuana
1201 delivery device to a qualified patient or caregiver, record in
1202 the registry the date, time, quantity, and form of marijuana
1203 dispensed; the type of marijuana delivery device dispensed; and
1204 the name and medical marijuana use registry identification
1205 number of the qualified patient or caregiver to whom the
1206 marijuana delivery device was dispensed.

1207 j.h. Shall Must ensure that patient records are not visible
1208 to anyone other than the qualified patient, his or her
1209 caregiver, and authorized MMTC medical marijuana treatment
1210 center employees.

1211 (e)-(f) Security.—To ensure the safety and security of
1212 premises where the cultivation, processing, storing, or
1213 dispensing of marijuana occurs, and to maintain adequate
1214 controls against the diversion, theft, and loss of marijuana or
1215 marijuana delivery devices, an MMTC a medical marijuana
1216 treatment center shall do all of the following:

1217 1.a. Maintain a fully operational security alarm system
1218 that secures all entry points and perimeter windows and is

17-00091A-26

20261398

1219 equipped with motion detectors; pressure switches; and duress,
1220 panic, and hold-up alarms.~~, and~~

1221 b. Maintain a video surveillance system that records
1222 continuously, 24 hours a day, and meets all of the following
1223 criteria:

1224 (I) Cameras are fixed in a place that allows for the clear
1225 identification of persons and activities in controlled areas of
1226 the premises. Controlled areas include grow rooms, processing
1227 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1228 rooms.

1229 (II) Cameras are fixed in entrances and exits to the
1230 premises in a place that allows recording, which must record
1231 from both indoor and outdoor, or ingress and egress, vantage
1232 points.

1233 (III) Images are recorded ~~images must~~ clearly and
1234 accurately display the time and date of recording.

1235 c. (IV) Retain video surveillance recordings for at least 45
1236 days or longer upon the request of a law enforcement agency.

1237 2. Ensure that the ~~MMTC's medical marijuana treatment~~
1238 center's outdoor premises have sufficient lighting from dusk
1239 until dawn.

1240 3. Ensure that the indoor premises where dispensing occurs
1241 include ~~includes~~ a waiting area with sufficient space and
1242 seating to accommodate qualified patients and caregivers and at
1243 least one private consultation area that is isolated from both
1244 the waiting area and the area where dispensing occurs. An MMTC A
1245 ~~medical marijuana treatment center~~ may not display products or
1246 dispense marijuana or marijuana delivery devices in the waiting
1247 area.

17-00091A-26

20261398

1248 4. Cease dispensing ~~Not dispense from its premises~~
1249 marijuana or a marijuana delivery devices from its premises
1250 ~~device~~ between the hours of 11 p.m. ~~9 p.m.~~ and 7 a.m., but may
1251 perform all other operations and deliver marijuana to qualified
1252 patients 24 hours a day.

1253 5. Store marijuana in a secured, locked room or a vault.

1254 6. Require at least two of its employees, or two employees
1255 of a security agency with whom it contracts, to be on the
1256 premises ~~at all times~~ where cultivation, processing, or storing
1257 of marijuana occurs, at all times.

1258 7. Require each employee or contractor to wear a photo
1259 identification badge at all times while on the premises.

1260 8. Require each visitor to wear a visitor pass at all times
1261 while on the premises.

1262 9. Implement an alcohol and drug-free workplace policy.

1263 10. Report to a local law enforcement agency and notify the
1264 department through e-mail within 24 hours after the MMTC ~~medical~~
1265 ~~marijuana treatment center~~ is notified or becomes aware of any
1266 actual or attempted theft, diversion, or loss of marijuana.

1267 (f) Transportation licenses; vehicle permits.—

1268 1. A registered MMTC may apply for a transportation
1269 license. When applying, the MMTC must provide the department
1270 with, at a minimum, all of the following:

1271 a. The physical address of the MMTC's place of business.

1272 b. Proof that the MMTC has a documentation system in
1273 accordance with the required seed-to-sale tracking system,
1274 including transportation manifests, for transporting marijuana
1275 between licensed facilities and to qualified patients.

1276 Transportation manifests may be electronically stored and

17-00091A-26

20261398

1277 presented.1278 c. Proof of the MMTC's compliance with health and
1279 sanitation standards for the transportation of marijuana.1280 d. Proof that all marijuana transported between licensed
1281 facilities will be transported in tamper-evident shipping
1282 containers.1283 2. An MMTC with a transportation license may not transport
1284 marijuana on the property of an airport, a seaport, a spaceport,
1285 or any property of the Federal Government.1286 3. An MMTC with a transportation license may transport
1287 marijuana and marijuana delivery devices only in a vehicle that
1288 is owned or leased by the MMTC or the MMTC's contractor and for
1289 which a valid vehicle permit has been issued by the department.1290 4. An MMTC with a transportation license may obtain a
1291 vehicle permit upon submission of an application. The MMTC shall
1292 designate as the driver for each permitted vehicle an employee
1293 or contracted employee who is registered with the department and
1294 who is authorized to possess marijuana when not on the property
1295 of the MMTC. Such designation must be displayed in the vehicle
1296 at all times. Each permitted vehicle must be monitored using GPS
1297 technology. A vehicle permit remains valid and does not expire
1298 unless the MMTC or its contractor disposes of the permitted
1299 vehicle or the MMTC's registration or transportation license is
1300 transferred, canceled, not renewed, or revoked by the
1301 department. The department shall cancel a vehicle permit upon
1302 the request of the MMTC or its contractor.1303 5. When transporting marijuana, a permitted vehicle is
1304 subject to inspection and search without a search warrant by
1305 authorized employees of the department, sheriffs, deputy

17-00091A-26

20261398

1306 sheriffs, police officers, or other law enforcement officers to
1307 determine whether the MMTC is operating in compliance with this
1308 section.

1309 6. An MMTC with a transportation license may deliver, or
1310 contract for the delivery of, marijuana and marijuana delivery
1311 devices to other MMTCs within this state, to qualified patients
1312 and caregivers within this state, and to adults 21 years of age
1313 or older within this state. A county or municipality may not
1314 prohibit deliveries of marijuana or marijuana delivery devices
1315 to qualified patients or caregivers within that county or
1316 municipality. Deliveries may be made only to the qualified
1317 patient who placed the order or his or her caregiver. When
1318 delivering to a qualified patient or caregiver, an MMTC or its
1319 contractor shall verify the identity of the qualified patient
1320 upon placement of the delivery order and, again, upon delivery.
1321 When delivering marijuana to an adult 21 years of age or older,
1322 an MMTC or its contractor shall verify the age of the buyer upon
1323 placement of the order and again upon delivery. In order to
1324 verify the age of the buyer, the MMTC must determine that the
1325 appearance of the buyer is such that a prudent person would
1326 believe the buyer to be 21 years of age or older or must
1327 carefully check the buyer's driver license, identification card
1328 issued by this state or another state of the United States,
1329 passport, or United States Armed Services identification card to
1330 determine the buyer's age. The department shall adopt rules
1331 specific to the delivery of marijuana which include both of the
1332 following:

1333 a. Procedures for verifying the age and identity of the
1334 person placing an order and receiving a delivery, as

17-00091A-26

20261398

1335 appropriate, including required training for delivery personnel.

1336 b. A maximum dispensary value for all marijuana and
1337 currency that may be in the possession of a registered MMTC
1338 employee or contractor while he or she makes a delivery. The
1339 maximum value established by rule may not be less than \$5,000.

1340 7. Licensees under this subsection may use contractors to
1341 assist with the transportation of marijuana. A licensee is
1342 ultimately responsible for all actions and operations of each
1343 contractor relating to the transportation of marijuana and must
1344 know the location of all marijuana products at all times. To
1345 participate in the operations of a licensee under this
1346 subsection, a principal or an employee of a contractor
1347 contracted by the licensee must first register with the
1348 department under subsection (9) and be issued an MMTC employee
1349 identification card.

1350 (g) Facility permits.—

1351 1. Before cultivating, processing, dispensing, or storing
1352 marijuana at any location, an MMTC shall apply to the department
1353 for the applicable facility permit for that location. The
1354 department shall adopt by rule an application form. Upon
1355 receiving a request for a permit from a licensee, the department
1356 shall inspect the facility for compliance with this section and
1357 rules adopted hereunder and, upon a determination of compliance,
1358 shall issue a permit to the facility. The department shall issue
1359 or deny a facility permit within 30 days after receiving the
1360 request for the permit.

1361 2. A facility permit expires 2 years after the date it is
1362 issued. Each facility must be inspected by the department for
1363 compliance with this section and department rules before the

17-00091A-26

20261398

1364 facility's permit is renewed.

1365 3. If a facility permit expires or is suspended or revoked,
1366 the MMTC must cease all applicable operations at that facility
1367 until the department inspects the facility and renews or
1368 reinstates the facility's permit.

1369 4. Cultivation facilities and processing facilities:

1370 a. Shall maintain insurance with at least \$1 million of
1371 hazard and liability insurance per location; and

1372 b. Must be secure, closed to the public, and, unless an
1373 ordinance allows a facility to be located closer, located at
1374 least 1,000 feet away from any existing public or private
1375 elementary or secondary school, child care facility as defined
1376 in s. 402.302, or licensed service provider offering substance
1377 abuse services.

1378 5. All matters regarding the permitting and regulation of
1379 cultivation facilities and processing facilities, including the
1380 location of such facilities, are preempted to the state.

1381 6. Dispensing facilities and storage facilities:

1382 a. Shall maintain insurance with at least \$500,000 of
1383 hazard and liability insurance for each facility where marijuana
1384 is dispensed or stored; and

1385 b. Unless an ordinance allows a facility to be located
1386 closer, must be located at least 1,000 feet away from any
1387 existing public or private elementary or secondary school, child
1388 care facility as defined in s. 402.302, or licensed service
1389 provider offering substance abuse services.

1390 7. The governing body of a county or municipality, by
1391 ordinance, may prohibit or limit the number of dispensing
1392 facilities located within its jurisdiction but may not prohibit

17-00091A-26

20261398

1393 an MMTC with a retail license or its permitted storage facility
1394 from being located within its jurisdiction if the licensee is
1395 delivering or contracting to deliver marijuana to qualified
1396 patients within that jurisdiction. The department may not issue
1397 a facility permit for a dispensing facility in a county or
1398 municipality in which the board of county commissioners or other
1399 local governing body, as applicable, has adopted such an
1400 ordinance. A county or municipality may not require, request, or
1401 accept financial contributions or similar benefits from MMTCs;
1402 however, in addition to other taxes authorized by law, a county
1403 or municipality may levy a local business tax on a dispensing
1404 facility. An ordinance adopted by a municipality or county
1405 pursuant to this paragraph may not do any of the following:

1406 a. Provide exclusive access to one or several individuals
1407 or entities to operate dispensing facilities within the
1408 jurisdiction.

1409 b. Prohibit specific individuals or entities from operating
1410 a dispensing facility within the jurisdiction if the ordinance
1411 allows dispensing facilities to operate in the jurisdiction.

1412 c. Prohibit the delivery of marijuana within the
1413 jurisdiction by a properly licensed MMTC located within the
1414 jurisdiction.

1415 8. The department may adopt by rule additional requirements
1416 for the permitting of cultivation, processing, dispensing, and
1417 storage facilities to ensure the sanitary, safe, and secure
1418 cultivation, processing, dispensing, storage, and sale of
1419 marijuana to ensure the safe transport of marijuana and
1420 marijuana delivery devices to medical marijuana treatment
1421 centers, marijuana testing laboratories, or qualified patients,

17-00091A-26

20261398

1422 ~~a medical marijuana treatment center must:~~

1423 ~~1. Maintain a marijuana transportation manifest in any~~
1424 ~~vehicle transporting marijuana. The marijuana transportation~~
1425 ~~manifest must be generated from a medical marijuana treatment~~
1426 ~~center's seed to sale tracking system and include the:~~

1427 ~~a. Departure date and approximate time of departure.~~

1428 ~~b. Name, location address, and license number of the~~
1429 ~~originating medical marijuana treatment center.~~

1430 ~~c. Name and address of the recipient of the delivery.~~

1431 ~~d. Quantity and form of any marijuana or marijuana delivery~~
1432 ~~device being transported.~~

1433 ~~e. Arrival date and estimated time of arrival.~~

1434 ~~f. Delivery vehicle make and model and license plate~~
1435 ~~number.~~

1436 ~~g. Name and signature of the medical marijuana treatment~~
1437 ~~center employees delivering the product.~~

1438 ~~(I) A copy of the marijuana transportation manifest must be~~
1439 ~~provided to each individual, medical marijuana treatment center,~~
1440 ~~or marijuana testing laboratory that receives a delivery. The~~
1441 ~~individual, or a representative of the center or laboratory,~~
1442 ~~must sign a copy of the marijuana transportation manifest~~
1443 ~~acknowledging receipt.~~

1444 ~~(II) An individual transporting marijuana or a marijuana~~
1445 ~~delivery device must present a copy of the relevant marijuana~~
1446 ~~transportation manifest and his or her employee identification~~
1447 ~~card to a law enforcement officer upon request.~~

1448 ~~(III) Medical marijuana treatment centers and marijuana~~
1449 ~~testing laboratories must retain copies of all marijuana~~
1450 ~~transportation manifests for at least 3 years.~~

17-00091A-26

20261398

1451 2. ~~Ensure only vehicles in good working order are used to~~
1452 ~~transport marijuana.~~

1453 3. ~~Lock marijuana and marijuana delivery devices in a~~
1454 ~~separate compartment or container within the vehicle.~~

1455 4. ~~Require employees to have possession of their employee~~
1456 ~~identification card at all times when transporting marijuana or~~
1457 ~~marijuana delivery devices.~~

1458 5. ~~Require at least two persons to be in a vehicle~~
1459 ~~transporting marijuana or marijuana delivery devices, and~~
1460 ~~require at least one person to remain in the vehicle while the~~
1461 ~~marijuana or marijuana delivery device is being delivered.~~

1462 6. ~~Provide specific safety and security training to~~
1463 ~~employees transporting or delivering marijuana and marijuana~~
1464 ~~delivery devices.~~

1465 (h) Advertising. ~~An MMTC A medical marijuana treatment~~
1466 ~~center may not engage in advertising that is visible to members~~
1467 ~~of the public from any street, sidewalk, park, or other public~~
1468 ~~place, except:~~

1469 1. An MMTC dispensing facility ~~The dispensing location of A~~
1470 ~~medical marijuana treatment center may have a sign that is~~
1471 ~~affixed to the outside or hanging in the window of the premises~~
1472 ~~which identifies the dispensing facility dispensary by the~~
1473 ~~licensee's business name, a department-approved trade name, or a~~
1474 ~~department-approved logo. An MMTC's A medical marijuana~~
1475 ~~treatment center's trade name and logo may not contain wording~~
1476 ~~or images that are attractive to children or which promote~~
1477 ~~recreational use of marijuana.~~

1478 2. An MMTC A medical marijuana treatment center may engage
1479 in Internet advertising and marketing under the following

17-00091A-26

20261398

1480

conditions:

1481

a. All advertisements must be approved by the department.

1482

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

1485

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

1487

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

1489

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

1493

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

1498

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

1501

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

1503

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

1505

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

1508

(k) Rulemaking.—The department may adopt rules pursuant to

17-00091A-26

20261398

1509 ss. 120.536(1) and 120.54 to implement this subsection.

1510 (9) MEDICAL MARIJUANA TREATMENT CENTER PERSONNEL;
1511 REGISTRATION; EMPLOYEE IDENTIFICATION CARDS.—

1512 (a) The department shall adopt rules to administer the
1513 registration of MMTC principals, employees, and contractors who
1514 participate in the operations of an MMTC. Before hiring or
1515 contracting with any individual who is not registered with the
1516 department or who does not possess a current MMTC employee
1517 identification card, an MMTC must apply to the department to
1518 register that person as an MMTC employee. The department shall
1519 adopt by rule a form for such applications for registration,
1520 which must require the applicant to provide all of the
1521 following:

1522 1. His or her full legal name, social security number, date
1523 of birth, and home address.

1524 2. A full-face, passport-type, color photograph of the
1525 applicant taken within 90 days immediately preceding submission
1526 of the application.

1527 3. Proof that he or she has passed a level 2 background
1528 screening pursuant to chapter 435 within the previous year.

1529 4. An indication as to whether the applicant will be
1530 authorized by the MMTC to possess marijuana while not on MMTC
1531 property.

1532 (b) Once the department has received a completed
1533 application form from an MMTC, the department shall register the
1534 principal, employee, or contractor associated with the MMTC and
1535 issue him or her an MMTC employee identification card that, at a
1536 minimum, includes all of the following:

1537 1. The employee's name and the name of the MMTC that

17-00091A-26

20261398

1538 employs him or her.1539 2. The employee's photograph, as required under paragraph
1540 (a).1541 3. The expiration date of the card, which must be 1 year
1542 after the date it is issued.1543 4. An indication of whether the employee is authorized by
1544 the MMTC to possess marijuana while not on MMTC property.1545 (c) If any information provided to the department for the
1546 registration of an MMTC principal, employee, or contractor or in
1547 the application for an MMTC employee identification card
1548 changes, or if the registered person's employment status with
1549 the MMTC changes, the registered person and the MMTC must
1550 provide the department with the new information or status within
1551 7 days after the change.1552 (d) The department may contract with one or more vendors
1553 for the purpose of issuing MMTC employee identification cards
1554 under this subsection BACKGROUND SCREENING. An individual
1555 required to undergo a background screening pursuant to this
1556 section must pass a level 2 background screening as provided
1557 under chapter 435, which, in addition to the disqualifying
1558 offenses provided in s. 435.04, shall exclude an individual who
1559 has an arrest awaiting final disposition for, has been found
1560 guilty of, regardless of adjudication, or has entered a plea of
1561 nolo contendere or guilty to an offense under chapter 837,
1562 chapter 895, or chapter 896 or similar law of another
1563 jurisdiction. Exemptions from disqualification as provided under
1564 s. 435.07 do not apply to this subsection.1565 (a) Such individual must submit a full set of fingerprints
1566 to the department or to a vendor, entity, or agency authorized

17-00091A-26

20261398

1567 by s. 943.053(13). The department, vendor, entity, or agency
1568 shall forward the fingerprints to the Department of Law
1569 Enforcement for state processing, and the Department of Law
1570 Enforcement shall forward the fingerprints to the Federal Bureau
1571 of Investigation for national processing.

1572 (b) Fees for state and federal fingerprint processing and
1573 retention shall be borne by the medical marijuana treatment
1574 center or caregiver, as applicable. The state cost for
1575 fingerprint processing shall be as provided in s. 943.053(3)(e)
1576 for records provided to persons or entities other than those
1577 specified as exceptions therein.

1578 (c) Fingerprints submitted to the Department of Law
1579 Enforcement pursuant to this subsection shall be retained by the
1580 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1581 (h) and, when the Department of Law Enforcement begins
1582 participation in the program, enrolled in the Federal Bureau of
1583 Investigation's national retained print arrest notification
1584 program. Any arrest record identified shall be reported to the
1585 department.

1586 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1587 ADMINISTRATIVE ACTIONS.—

1588 (a) The department shall conduct announced or unannounced
1589 inspections of medical marijuana treatment centers to determine
1590 compliance with this section or rules adopted pursuant to this
1591 section.

1592 (b) The department shall inspect a medical marijuana
1593 treatment center Upon receiving a complaint or notice that an
1594 MMTC the medical marijuana treatment center has dispensed
1595 marijuana containing mold, bacteria, or any other contaminant

17-00091A-26

20261398

1596 that may cause or has caused an adverse effect to human health
1597 or the environment, the department shall inspect the MMTC, its
1598 facilities, and, as appropriate, any cultivation or processing
1599 facility of the MMTC from which the batch of marijuana was
1600 purchased.

1601 (b) ~~(e)~~ The department shall conduct at least a biennial
1602 inspection of each MMTC medical marijuana treatment center to
1603 evaluate its the medical marijuana treatment center's records,
1604 personnel, equipment, processes, security measures, sanitation
1605 practices, and quality assurance practices.

1606 (c) The department shall conduct at least a biennial
1607 inspection of each permitted facility. The department may
1608 conduct additional announced or unannounced inspections of a
1609 permitted facility within reasonable hours in order to ensure
1610 compliance with this section and rules adopted hereunder.

1611 (d) The Department of Agriculture and Consumer Services and
1612 the department shall enter into an interagency agreement to
1613 ensure cooperation and coordination in the performance of their
1614 obligations under this section and their respective regulatory
1615 and authorizing laws. The department, the Department of Highway
1616 Safety and Motor Vehicles, and the Department of Law Enforcement
1617 may enter into interagency agreements for the purposes specified
1618 in this subsection or subsection (7).

1619 (e) The department shall publish a list of all approved
1620 MMTCs medical marijuana treatment centers, medical directors,
1621 and qualified physicians on its website.

1622 (f) The department may impose administrative penalties,
1623 including reasonable fines not to exceed \$10,000, on an MMTC a
1624 medical marijuana treatment center for any of the following

17-00091A-26

20261398

1625 violations:

- 1626 1. Violating this section or department rule.
- 1627 2. Failing to maintain qualifications for approval.
- 1628 3. Endangering the health, safety, or security of a
- 1629 qualified patient or an adult purchasing marijuana pursuant to
s. 381.9901.
- 1630 4. Improperly disclosing personal and confidential
- 1631 information of the qualified patient.
- 1632 5. Attempting to procure ~~MMTC medical marijuana treatment~~
~~center~~ approval by bribery, fraudulent misrepresentation, or
- 1633 extortion.
- 1634 6. Being convicted or found guilty of, or entering a plea
- 1635 of guilty or nolo contendere to, regardless of adjudication, a
- 1636 crime in any jurisdiction which directly relates to the business
- 1637 of an MMTC a medical marijuana treatment center.
- 1638 7. Making or filing a report or record that the MMTC
- 1639 ~~medical marijuana treatment center~~ knows to be false.
- 1640 8. Willfully failing to maintain a record required by this
- 1641 section or department rule.
- 1642 9. Willfully impeding or obstructing an employee or agent
- 1643 of the department in the furtherance of his or her official
- 1644 duties.
- 1645 10. Engaging in fraud or deceit, negligence, incompetence,
- 1646 or misconduct in the business practices of an MMTC a medical
- 1647 ~~marijuana treatment center.~~
- 1648 11. Making misleading, deceptive, or fraudulent
- 1649 representations in or related to the business practices of an
- 1650 ~~MMTC a medical marijuana treatment center.~~
- 1651 12. Having a license or the authority to engage in any

17-00091A-26

20261398

1654 regulated profession, occupation, or business that is related to
1655 the business practices of an MMTC ~~a medical marijuana treatment~~
1656 ~~center~~ suspended, revoked, or otherwise acted against by the
1657 licensing authority of any jurisdiction, including its agencies
1658 or subdivisions, for a violation that would constitute a
1659 violation under Florida law.

1660 13. Violating a lawful order of the department or an agency
1661 of the state, or failing to comply with a lawfully issued
1662 subpoena of the department or an agency of the state.

1663 14. Failing to determine adequately the age of a buyer who
1664 is not a qualified patient or caregiver.

1665 (g) The department may suspend, revoke, or refuse to renew
1666 an MMTC's registration, operating licenses, and any vehicle
1667 permits or facility permits ~~a medical marijuana treatment center~~
1668 ~~license if the MMTC medical marijuana treatment center~~ commits
1669 any of the violations specified in paragraph (f).

1670 (h) The department shall refuse to renew the cultivation,
1671 processing, retail, or transportation license of an MMTC that
1672 has not begun to cultivate, process, dispense, or transport
1673 marijuana, as applicable, by the date that the MMTC is required
1674 to renew such license.

1675 (i)-(h) The department may adopt rules pursuant to ss.
1676 120.536(1) and 120.54 to implement this subsection.

1677 (11) PREEMPTION.—Regulation of cultivation, processing, and
1678 delivery of marijuana by MMTCs ~~medical marijuana treatment~~
1679 ~~centers~~ is preempted to the state except as provided in this
1680 subsection.

1681 (a) An MMTC ~~A medical marijuana treatment center~~
1682 cultivating or processing facility may not be located within 500

17-00091A-26

20261398

1683 feet of the real property that comprises a public or private
1684 elementary school, middle school, or secondary school.

1685 (b)1. A county or municipality may, by ordinance, ban MMTC
1686 ~~medical marijuana treatment center~~ dispensing facilities from
1687 being located within the boundaries of that county or
1688 municipality. A county or municipality that does not ban
1689 dispensing facilities under this subparagraph may not place
1690 specific limits, by ordinance, on the number of dispensing
1691 facilities that may locate within that county or municipality.

1692 2. A municipality may determine by ordinance the criteria
1693 for the location of, and other permitting requirements that do
1694 not conflict with state law or department rule for, MMTC ~~medical~~
1695 ~~marijuana treatment center~~ dispensing facilities located within
1696 the boundaries of that municipality. A county may determine by
1697 ordinance the criteria for the location of, and other permitting
1698 requirements that do not conflict with state law or department
1699 rule for, all such dispensing facilities located within the
1700 unincorporated areas of that county. Except as provided in
1701 paragraph (c), a county or municipality may not enact ordinances
1702 for permitting or for determining the location of dispensing
1703 facilities which are more restrictive than its ordinances
1704 permitting or determining the locations for pharmacies licensed
1705 under chapter 465. A municipality or county may not charge an
1706 MMTC ~~a medical marijuana treatment center~~ a license or permit
1707 fee in an amount greater than the fee charged by such
1708 municipality or county to pharmacies. A dispensing facility
1709 location approved by a municipality or county pursuant to former
1710 s. 381.986(8)(b), Florida Statutes 2016, is not subject to the
1711 location requirements of this subsection.

17-00091A-26

20261398

1712 (c) ~~An MMTC A medical marijuana treatment center~~ dispensing
1713 facility may not be located within 500 feet of the real property
1714 that comprises a public or private elementary school, middle
1715 school, or secondary school unless the county or municipality
1716 approves the location through a formal proceeding open to the
1717 public at which the county or municipality determines that the
1718 location promotes the public health, safety, and general welfare
1719 of the community.

1720 (d) This subsection does not prohibit any local
1721 jurisdiction from ensuring ~~that MMTC medical marijuana treatment~~
1722 ~~center~~ facilities comply with the Florida Building Code, the
1723 Florida Fire Prevention Code, or any local amendments to the
1724 Florida Building Code or the Florida Fire Prevention Code.

1725 (12) PENALTIES.—

1726 (a) A qualified physician commits a misdemeanor of the
1727 first degree, punishable as provided in s. 775.082 or s.
1728 775.083, if ~~he or she the qualified physician~~ issues a physician
1729 certification for the medical use of marijuana for a patient
1730 without a reasonable belief that the patient is suffering from a
1731 qualifying medical condition.

1732 (b) A person who fraudulently represents that he or she has
1733 a qualifying medical condition to a qualified physician for the
1734 purpose of being issued a physician certification commits a
1735 misdemeanor of the first degree, punishable as provided in s.
1736 775.082 or s. 775.083.

1737 (c) 1. A ~~person qualified patient~~ who uses marijuana, not
1738 including low-THC cannabis, or a caregiver who administers
1739 marijuana, not including low-THC cannabis, in plain view of or
1740 in a place open to the general public is subject to a civil fine

17-00091A-26

20261398

1741 not exceeding \$100.

1742 2. A person who uses marijuana, not including low-THC
1743 cannabis, in a school bus, a moving vehicle, or an aircraft, or
1744 a boat; or on the grounds of a school except as provided in s.
1745 1006.062, commits a misdemeanor of the first degree, punishable
1746 as provided in s. 775.082 or s. 775.083.

1747 (d) A person qualified patient or caregiver who cultivates
1748 marijuana or who purchases or acquires marijuana from any person
1749 or entity other than an MTMC a medical marijuana treatment
1750 center violates s. 893.13 and is subject to the penalties
1751 provided therein.

1752 (e) 1. A qualified patient or caregiver in possession of
1753 marijuana or a marijuana delivery device who fails or refuses to
1754 present his or her marijuana use registry identification card
1755 upon the request of a law enforcement officer commits a
1756 misdemeanor of the second degree, punishable as provided in s.
1757 775.082 or s. 775.083, unless it can be determined through the
1758 medical marijuana use registry that the person is authorized to
1759 be in possession of that marijuana or marijuana delivery device.

1760 2. A person charged with a violation of this paragraph may
1761 not be convicted if, before or at the time of his or her court
1762 or hearing appearance, the person produces in court or to the
1763 clerk of the court in which the charge is pending a medical
1764 marijuana use registry identification card issued to him or her
1765 which is valid at the time of his or her arrest. The clerk of
1766 the court is authorized to dismiss such case at any time before
1767 the defendant's appearance in court. The clerk of the court may
1768 assess a fee of \$5 for dismissing the case under this paragraph.

1769 (f) A caregiver who violates any of the applicable

17-00091A-26

20261398

1770 provisions of this section or applicable department rules, for
1771 the first offense, commits a misdemeanor of the second degree,
1772 punishable as provided in s. 775.082 or s. 775.083 and, for a
1773 second or subsequent offense, commits a misdemeanor of the first
1774 degree, punishable as provided in s. 775.082 or s. 775.083.

1775 (f) (g) A qualified physician who issues a physician
1776 certification for marijuana or a marijuana delivery device and
1777 receives compensation from an MMTC ~~a medical marijuana treatment~~
1778 ~~center~~ related to the issuance of a physician certification for
1779 marijuana or a marijuana delivery device is subject to
1780 disciplinary action under the applicable practice act and s.
1781 456.072(1)(n).

1782 (g) (h) A person transporting marijuana or marijuana
1783 delivery devices on behalf of an MMTC ~~a medical marijuana~~
1784 ~~treatment center~~ or a marijuana testing laboratory who fails or
1785 refuses to present a transportation manifest, whether in paper
1786 or electronic format, upon the request of a law enforcement
1787 officer commits a misdemeanor of the second degree, punishable
1788 as provided in s. 775.082 or s. 775.083.

1789 (h) (i) Persons and entities conducting activities
1790 authorized and governed by this section and s. 381.988 are
1791 subject to ss. 456.053, 456.054, and 817.505, as applicable.

1792 (i) (j) A person or entity that cultivates, processes,
1793 distributes, sells, or dispenses marijuana, as defined in s.
1794 29(b) (4), Art. X of the State Constitution, and is not licensed
1795 as an MMTC ~~a medical marijuana treatment center~~ violates s.
1796 893.13 and is subject to the penalties provided therein. This
1797 paragraph does not apply to a transfer of marijuana products or
1798 marijuana which is authorized by this section, s. 381.9901, or

17-00091A-26

20261398

1799 s. 893.13.

1800 (j) A person who manufactures, distributes, sells,
1801 gives, or possesses with the intent to manufacture, distribute,
1802 sell, or give marijuana or a marijuana delivery device that he
1803 or she holds out to have originated from a licensed MMTC medical
1804 ~~marijuana treatment center~~ but that is counterfeit commits a
1805 felony of the third degree, punishable as provided in s.
1806 775.082, s. 775.083, or s. 775.084. For the purposes of this
1807 paragraph, the term "counterfeit" means marijuana; a marijuana
1808 delivery device; or a marijuana or marijuana delivery device
1809 container, seal, or label which, without authorization, bears
1810 the trademark, trade name, or other identifying mark, imprint,
1811 or device, or any likeness thereof, of a licensed MMTC medical
1812 ~~marijuana treatment center~~ and which thereby falsely purports or
1813 is represented to be the product of, or to have been distributed
1814 by, that licensed MMTC medical marijuana treatment facility.

1815 (k) A Any person who possesses or manufactures a blank,
1816 forged, stolen, fictitious, fraudulent, counterfeit, or
1817 otherwise unlawfully issued medical marijuana use registry
1818 identification card commits a felony of the third degree,
1819 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1820 (14) EXCEPTIONS TO OTHER LAWS.—

1821 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1822 any other ~~provision of~~ law, but subject to the requirements of
1823 this section, a qualified patient and the qualified patient's
1824 caregiver may purchase from an MMTC a medical marijuana
1825 ~~treatment center~~ for the patient's medical use a marijuana
1826 delivery device and up to the amount of marijuana authorized in
1827 the physician certification, but may not possess more than a 70-

17-00091A-26

20261398

1828 day supply of marijuana, or the greater of 4 ounces of marijuana
1829 in a form for smoking or an amount of marijuana in a form for
1830 smoking approved by the department pursuant to paragraph (4)(f),
1831 at any given time and all marijuana purchased must remain in its
1832 original packaging.

1833 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1834 s. 893.147, or any other ~~provision of~~ law, a qualified patient
1835 and the qualified patient's caregiver may purchase and possess a
1836 marijuana delivery device intended for the medical use of
1837 marijuana by smoking from a vendor other than an MMTC a medical
1838 ~~marijuana treatment center.~~

1839 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1840 any other ~~provision of~~ law, but subject to the requirements of
1841 this section, an approved ~~MMTC medical marijuana treatment~~
1842 ~~center~~ and its owners, managers, and employees may manufacture,
1843 possess, sell, deliver, distribute, dispense, and lawfully
1844 dispose of marijuana or a marijuana delivery device as provided
1845 in this section, s. 381.988, s. 381.9901, and by department
1846 rule. For the purposes of this subsection, the terms
1847 "manufacture," "possession," "deliver," "distribute," and
1848 "dispense" have the same meanings as provided in s. 893.02.

1849 (f) A licensed ~~MMTC medical marijuana treatment center~~ and
1850 its owners, managers, and employees are not subject to licensure
1851 or regulation under chapter 465 or chapter 499 for
1852 manufacturing, possessing, selling, delivering, distributing,
1853 dispensing, or lawfully disposing of marijuana or a marijuana
1854 delivery device, as provided in this section, in s. 381.988, and
1855 by department rule.

1856 (17) ~~Rules adopted pursuant to this section before July 1,~~

17-00091A-26

20261398

1857 2026, are not subject to ss. 120.54(3)(b) and 120.541. This
1858 subsection expires July 1, 2026.

1859 Section 3. Section 381.9901, Florida Statutes, is created
1860 to read:

1861 381.9901 Adult use of marijuana.—

1862 (1) A person 21 years of age or older may purchase in a
1863 single transaction marijuana products containing up to 2,000
1864 milligrams of tetrahydrocannabinol; up to 2.5 ounces of
1865 marijuana in a form for smoking; and one or more marijuana
1866 delivery devices, as defined in s. 381.986, provided that such
1867 marijuana products, marijuana in a form for smoking, and
1868 marijuana delivery devices are purchased from a medical
1869 marijuana treatment center (MMTC) that is licensed by the
1870 department pursuant to s. 381.986 for the retail sale of
1871 marijuana and registered with the Department of Business and
1872 Professional Regulation for the sale of marijuana for adult use.
1873 A violation of this subsection is punishable as provided in s.
1874 893.13.

1875 (2) A person 21 years of age or older who purchases
1876 marijuana products, marijuana in a form for smoking, or
1877 marijuana delivery devices in accordance with subsection (1) may
1878 possess, use, transport, and transfer, without consideration, to
1879 another person 21 years of age or older such products or
1880 devices. However, a person may not at any time possess marijuana
1881 products that, in total, contain more than 2,000 milligrams of
1882 tetrahydrocannabinol or more than 4 ounces of marijuana in a
1883 form for smoking. A violation of this subsection is punishable
1884 as provided in s. 893.13.

1885 (3) This section does not limit the ability of a private

17-00091A-26

20261398

1886 property owner to restrict the smoking or vaping of marijuana on
1887 his or her private property; however, a landlord may not prevent
1888 his or her tenants from possessing or using marijuana by other
1889 means.

1890 (4) This section does not exempt a person from prosecution
1891 for a criminal offense related to impairment or intoxication
1892 resulting from the use of marijuana or relieve a person from any
1893 requirement under law to submit to a breath, blood, or urine
1894 test or any other test to detect the presence of a controlled
1895 substance.

1896 Section 4. Subsections (5) through (8) are added to section
1897 604.71, Florida Statutes, to read:

1898 604.71 Local regulation of vegetable gardens.—

1899 (5) A qualified patient as defined in s. 381.986 who is at
1900 least 21 years of age may cultivate up to six flowering cannabis
1901 plants at his or her residence for personal consumption and
1902 noncommercial purposes.

1903 (6) A qualified patient as defined in s. 381.986 who is at
1904 least 21 years of age may purchase medical marijuana seeds and
1905 clones from a licensed medical marijuana treatment center.

1906 (7) A qualified patient as defined in s. 381.986 who
1907 cultivates cannabis shall ensure that the plants are secured in
1908 a manner to prevent access by unauthorized persons. The personal
1909 consumption of cannabis cultivated at a qualified patient's
1910 residence is subject to the limitations on medical use or
1911 administration of marijuana as specified in s. 381.986(1)(k).

1912 (8) The sale of patient-cultivated cannabis plants and
1913 products and cultivation of cannabis by patients beyond the
1914 limits specified in this section is subject to the penalties

17-00091A-26

20261398

1915 outlined in chapter 893.

1916 Section 5. The Department of Agriculture and Consumer
1917 Services shall adopt rules pursuant to ss. 120.536(1) and
1918 120.54, Florida Statutes, regulating the cultivation of
1919 marijuana by members of the public for their private use,
1920 including rules regulating the use of a cooperative model for
1921 cultivation. The department shall adopt the rules no later than
1922 October 1, 2026. This section takes effect upon this act
1923 becoming a law.1924 Section 6. Subsection (3) and paragraphs (a) and (b) of
1925 subsection (6) of section 893.13, Florida Statutes, are amended
1926 to read:

1927 893.13 Prohibited acts; penalties.—

1928 (3)(a) A person 21 years of age or older may, without
1929 consideration, deliver to another person 21 years of age or
1930 older:1931 1. Marijuana products that contain a total of 2,000
1932 milligrams or less of tetrahydrocannabinol; and1933 2. A quantity of 2.5 ounces or less of cannabis, as defined
1934 in this chapter.1935 (b) A person younger than 21 years of age who, without
1936 consideration, delivers to another person marijuana products
1937 that contain a total of 2,000 milligrams or less of
1938 tetrahydrocannabinol or a quantity of 2.5 ounces or less of
1939 cannabis, as defined in this chapter, commits a misdemeanor of
1940 the second degree, punishable as provided in s. 775.082 or s.
1941 775.083, for a first conviction for a violation of this
1942 paragraph and commits a misdemeanor of the first degree,
1943 punishable as provided in s. 775.082 or s. 775.083, for a second

17-00091A-26

20261398

1944 ~~or subsequent conviction for a violation of this paragraph who~~
1945 ~~delivers, without consideration, 20 grams or less of cannabis,~~
1946 ~~as defined in this chapter, commits a misdemeanor of the first~~
1947 ~~degree, punishable as provided in s. 775.082 or s. 775.083. As~~
1948 ~~used in this subsection, the term "cannabis" does not include~~
1949 ~~the resin extracted from the plants of the genus Cannabis or any~~
1950 ~~compound manufacture, salt, derivative, mixture, or preparation~~
1951 ~~of such resin.~~

1952 (6) (a) Except as otherwise provided in this subsection, a
1953 person may not be in actual or constructive possession of a
1954 controlled substance unless such controlled substance was
1955 lawfully obtained from a practitioner or pursuant to a valid
1956 prescription or order of a practitioner while acting in the
1957 course of his or her professional practice or to be in actual or
1958 constructive possession of a controlled substance except as
1959 otherwise authorized by this chapter. A person who violates this
1960 provision commits a felony of the third degree, punishable as
1961 provided in s. 775.082, s. 775.083, or s. 775.084.

1962 (b) 1. A person 21 years of age or older may possess
1963 marijuana products that contain a total of 2,000 milligrams or
1964 less of tetrahydrocannabinol and may possess 4 ounces or less of
1965 cannabis, as defined in this chapter ~~If the offense is the~~
1966 ~~possession of 20 grams or less of cannabis, as defined in this~~
1967 ~~chapter, the person commits a misdemeanor of the first degree,~~
1968 ~~punishable as provided in s. 775.082 or s. 775.083. As used in~~
1969 ~~this subsection, the term "cannabis" does not include the resin~~
1970 ~~extracted from the plants of the genus Cannabis, or any compound~~
1971 ~~manufacture, salt, derivative, mixture, or preparation of such~~
1972 ~~resin.~~

17-00091A-26

20261398

1973 2. A person under 21 years of age who possesses marijuana
1974 products that contain a total of 2,000 milligrams or less of
1975 tetrahydrocannabinol or who possesses 4 ounces or less of
1976 cannabis, as defined in this chapter, commits a misdemeanor of
1977 the second degree, punishable as provided in s. 775.082 or s.
1978 775.083, for a first conviction for a violation of this
1979 paragraph and a misdemeanor of the first degree, punishable as
1980 provided in s. 775.082 or s. 775.083, for a second or subsequent
1981 conviction for a violation of this paragraph.

1982 Section 7. Section 893.1352, Florida Statutes, is created
1983 to read:

1984 893.1352 Retroactive application of s. 893.13.-
1985 (1) It is the intent of the Legislature to apply amendments
1986 to s. 893.13 retroactively to certain persons who were convicted
1987 of possession of cannabis before January 1, 2027.

1988 (2) As used in this section, a reference to "former s.
1989 893.13, Florida Statutes 2026," is a reference to s. 893.13 as
1990 it existed at any time before January 1, 2027.

1991 (3) (a) A person who was convicted of a violation of former
1992 s. 893.13, Florida Statutes 2026, for possessing 4 ounces or
1993 less of cannabis as defined in chapter 893, but was not
1994 sentenced under that section before January 1, 2027, must be
1995 sentenced in accordance with s. 775.082, s. 775.083, or s.
1996 775.084 for the degree of offense provided in s. 893.13.

1997 (b) A person who was convicted of a violation of former s.
1998 893.13, Florida Statutes 2026, for possessing 4 ounces or less
1999 of cannabis as defined in chapter 893, who was sentenced before
2000 January 1, 2027, to a term of imprisonment or probation pursuant
2001 to former s. 893.13, Florida Statutes 2026, and who is serving

17-00091A-26

20261398

2002 the term of imprisonment or probation on or after January 1,
2003 2027, must have an opportunity for a sentence review hearing. If
2004 the person requests a sentence review hearing, he or she must be
2005 resentenced in accordance with paragraph (c).

2006 (c) Resentencing under this section must occur in the
2007 following manner:

2008 1. The Department of Corrections shall notify the person
2009 described in paragraph (b) of his or her eligibility to request
2010 a sentence review hearing.

2011 2. A person seeking sentence review under this section may
2012 submit an application to the court of original jurisdiction
2013 requesting that a sentence review hearing be held. The
2014 sentencing court retains original jurisdiction for the duration
2015 of the sentence for the purpose of this review.

2016 3. A person who is eligible for a sentence review hearing
2017 under this section is entitled to representation by legal
2018 counsel. If the person is indigent and unable to employ counsel,
2019 the court must appoint counsel under s. 27.52. Determinations of
2020 indigence and costs of representation are as provided in ss.
2021 27.52 and 938.29, respectively.

2022 4. Upon receipt of a request for a sentence review hearing,
2023 the court of original jurisdiction shall hold such hearing to
2024 determine whether the person meets the criteria for resentencing
2025 under this section. If the court determines by a preponderance
2026 of the evidence that the person is currently serving a sentence
2027 for a violation of former s. 893.13, Florida Statutes 2026, and
2028 that the violation was for possession of cannabis in the amount
2029 of 4 ounces or less, the court must resentence the person in
2030 accordance with this section. If the court determines that the

17-00091A-26

20261398

2031 person does not meet the criteria for resentencing under this
2032 section, the court must provide written findings as to why the
2033 person does not meet the criteria.

2034 5. If the court finds that the underlying facts of a
2035 conviction that is subject to resentencing are classified as a
2036 crime under s. 893.13, the person must be resentenced to a term
2037 that would not exceed the maximum sentence provided by that
2038 section. The person is entitled to receive credit for his or her
2039 time served.

2040 6. If the court finds that the underlying facts of a
2041 conviction that is subject to resentencing are not classified as
2042 a crime under s. 893.13, the person must be resentenced to time
2043 served and released from supervision as soon as reasonably
2044 possible.

2045 (4) Notwithstanding any other law, a person who has been
2046 convicted of a crime under former s. 893.13, Florida Statutes
2047 2026, and whose offense would not be classified as a crime under
2048 s. 893.13, must have all fines, fees, and costs related to such
2049 conviction waived.

2050 Section 8. Present subsections (5), (6), and (7) of section
2051 893.147, Florida Statutes, are redesignated as subsections (6),
2052 (7), and (8), respectively, a new subsection (5) is added to
2053 that section, and subsections (1), (2), and (4) of that section
2054 are amended, to read:

2055 893.147 Use, possession, manufacture, delivery,
2056 transportation, advertisement, or retail sale of drug
2057 paraphernalia, specified machines, and materials.—

2058 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as
2059 provided in subsection (5), it is unlawful for any person to

17-00091A-26

20261398

2060 use, or to possess with intent to use, drug paraphernalia:
2061 (a) To plant, propagate, cultivate, grow, harvest,
2062 manufacture, compound, convert, produce, process, prepare, test,
2063 analyze, pack, repack, store, contain, or conceal a controlled
2064 substance in violation of this chapter; or

2065 (b) To inject, ingest, inhale, or otherwise introduce into
2066 the human body a controlled substance in violation of this
2067 chapter.

2068
2069 Any person who violates this subsection is guilty of a
2070 misdemeanor of the first degree, punishable as provided in s.
2071 775.082 or s. 775.083.

2072 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except
2073 as provided in subsection (5), it is unlawful for any person to
2074 deliver, possess with intent to deliver, or manufacture with
2075 intent to deliver drug paraphernalia, knowing, or under
2076 circumstances where one reasonably should know, that it will be
2077 used:

2078 (a) To plant, propagate, cultivate, grow, harvest,
2079 manufacture, compound, convert, produce, process, prepare, test,
2080 analyze, pack, repack, store, contain, or conceal a controlled
2081 substance in violation of this act; or

2082 (b) To inject, ingest, inhale, or otherwise introduce into
2083 the human body a controlled substance in violation of this act.

2084
2085 Any person who violates this subsection is guilty of a felony of
2086 the third degree, punishable as provided in s. 775.082, s.
2087 775.083, or s. 775.084.

2088 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as

17-00091A-26

20261398

2089 provided in subsection (5), it is unlawful to use, possess with
2090 the intent to use, or manufacture with the intent to use drug
2091 paraphernalia, knowing or under circumstances in which one
2092 reasonably should know that it will be used to transport:

2093 (a) A controlled substance in violation of this chapter; or
2094 (b) Contraband as defined in s. 932.701(2)(a)1.

2095
2096 Any person who violates this subsection commits a felony of the
2097 third degree, punishable as provided in s. 775.082, s. 775.083,
2098 or s. 775.084.

2099 (5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.-

2100 (a) A person 21 years of age or older may possess, use,
2101 transport, or deliver, without consideration, to another person
2102 21 years of age or older a marijuana delivery device as defined
2103 in s. 381.986.

2104 (b) A person younger than 21 years of age who possesses,
2105 uses, transports, or delivers, without consideration, a
2106 marijuana delivery device as defined in s. 381.986 commits a
2107 misdemeanor of the second degree, punishable as provided in s.
2108 775.082 or s. 775.083 for a first conviction for a violation of
2109 this paragraph and a misdemeanor of the first degree, punishable
2110 as provided in s. 775.082 or s. 775.083, for a second or
2111 subsequent conviction for a violation of this paragraph.

2112 Section 9. Section 943.0586, Florida Statutes, is created
2113 to read:

2114 943.0586 Cannabis expunction.-

2115 (1) DEFINITIONS.-As used in this section, the term:

2116 (a) "Cannabis" has the same meaning as provided in chapter

2117 893.

17-00091A-26

20261398

2118 (b) "Expunction" has the same meaning and effect as
2119 provided in s. 943.0585.

2120 (c) "Former s. 893.13, Florida Statutes 2026," is a
2121 reference to s. 893.13 as it existed at any time before January
2122 1, 2027.

2123 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
2124 eligible to petition a court to expunge a criminal history
2125 record for the conviction for a violation of former s. 893.13,
2126 Florida Statutes 2026, if:

2127 (a) The person received a withholding of adjudication or an
2128 adjudication of guilt for a violation of former s. 893.13,
2129 Florida Statutes 2026, for the possession of cannabis;

2130 (b) The person possessed 4 ounces or less of cannabis; and
2131 (c) The person is no longer under court supervision related
2132 to the disposition of arrest or alleged criminal activity to
2133 which the petition to expunge pertains.

2134 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2135 to expunge a criminal history record under this section, a
2136 person seeking to expunge such record must apply to the
2137 department for a certificate of eligibility for expunction. The
2138 department shall adopt rules to establish procedures for
2139 applying for and issuing a certificate of eligibility for
2140 expunction.

2141 (a) The department shall issue a certificate of eligibility
2142 for expunction to a person who is the subject of a criminal
2143 history record under this section, if that person:

2144 1. Satisfies the eligibility criteria in subsection (2);
2145 2. Has submitted to the department a written certified
2146 statement from the appropriate state attorney or statewide

17-00091A-26

20261398

2147 prosecutor which confirms the criminal history record complies
2148 with the eligibility criteria in subsection (2); and

2149 3. Has submitted to the department a certified copy of the
2150 disposition of the charge to which the petition to expunge
2151 pertains.

2152 (b) A certificate of eligibility for expunction is valid
2153 for 12 months after the date of issuance stamped by the
2154 department on the certificate. After that time, the petitioner
2155 must reapply to the department for a new certificate of
2156 eligibility. The petitioner's status and the law in effect at
2157 the time of the renewal application determine the petitioner's
2158 eligibility.

2159 (4) PETITION.—Each petition to expunge a criminal history
2160 record must be accompanied by:

2161 (a) A valid certificate of eligibility issued by the
2162 department.

2163 (b) The petitioner's sworn statement that he or she:
2164 1. Satisfies the eligibility requirements for expunction in
2165 subsection (2); and

2166 2. Is eligible for expunction to the best of his or her
2167 knowledge.

2168 (5) PENALTY.—A person who knowingly provides false
2169 information on his or her sworn statement submitted with a
2170 petition to expunge commits a felony of the third degree,
2171 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2172 (6) COURT AUTHORITY.—

2173 (a) The courts of this state have jurisdiction over their
2174 own procedures, including the maintenance, expunction, and
2175 correction of judicial records containing criminal history

17-00091A-26

20261398

2176 information, to the extent that such procedures are not
2177 inconsistent with the conditions, responsibilities, and duties
2178 established by this section.

2179 (b) A court of competent jurisdiction shall order a
2180 criminal justice agency to expunge the criminal history record
2181 of a person who complies with this section. The court may not
2182 order a criminal justice agency to expunge a criminal history
2183 record under this section until the person seeking to expunge a
2184 criminal history record has applied for and received a
2185 certificate of eligibility under subsection (3).

2186 (c) Expunction granted under this section does not preclude
2187 the person who receives such relief from petitioning for the
2188 expunction or sealing of a later criminal history record as
2189 provided for in ss. 943.0583, 943.0585, and 943.059, if the
2190 person is otherwise eligible under those sections.

2191 (7) PROCESSING OF A PETITION OR AN ORDER.—

2192 (a) In judicial proceedings under this section, a copy of
2193 the completed petition to expunge must be served upon the
2194 appropriate state attorney or the statewide prosecutor and upon
2195 the arresting agency; however, it is not necessary to make any
2196 agency other than the state a party. The appropriate state
2197 attorney or the statewide prosecutor and the arresting agency
2198 may respond to the court regarding the completed petition to
2199 expunge.

2200 (b) If relief is granted by the court, the clerk of the
2201 court shall certify copies of the order to the appropriate state
2202 attorney or the statewide prosecutor and the arresting agency.
2203 The arresting agency shall forward the order to any other agency
2204 to which the arresting agency disseminated the criminal history

17-00091A-26

20261398

2205 record information to which the order pertains. The department
2206 shall forward the order to expunge to the Federal Bureau of
2207 Investigation. The clerk of the court shall certify a copy of
2208 the order to any other agency that the records of the court
2209 reflect has received the criminal history record from the court.

2210 (c) The department or any other criminal justice agency is
2211 not required to act on an order to expunge entered by a court if
2212 such order does not meet the requirements of this section. Upon
2213 receipt of such an order, the department shall notify the
2214 issuing court, the appropriate state attorney or statewide
2215 prosecutor, the petitioner or the petitioner's attorney, and the
2216 arresting agency of the reason for noncompliance. The
2217 appropriate state attorney or statewide prosecutor shall take
2218 action within 60 days to correct the record and petition the
2219 court to void the order. No cause of action, including contempt
2220 of court, may arise against any criminal justice agency for
2221 failure to comply with an order to expunge if the petitioner for
2222 such order failed to obtain the certificate of eligibility as
2223 required by this section or such order does not otherwise meet
2224 the requirements of this section.

2225 (8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

2226 (a) The person who is the subject of a criminal history
2227 record that is expunged under this section may lawfully deny or
2228 fail to acknowledge any arrest or conviction covered by the
2229 expunged record, except if the person who is the subject of the
2230 record:

2231 1. Is a candidate for employment with a criminal justice
2232 agency;
2233 2. Is a defendant in a criminal prosecution;

17-00091A-26

20261398

2234 3. Concurrently or subsequently petitions for relief under
2235 this section, s. 943.0583, s. 943.0585, or s. 943.059;

2236 4. Is a candidate for admission to The Florida Bar;
2237 5. Is seeking to be employed or licensed by or to contract
2238 with the Department of Children and Families, the Division of
2239 Vocational Rehabilitation within the Department of Education,
2240 the Agency for Health Care Administration, the Agency for
2241 Persons with Disabilities, the Department of Health, the
2242 Department of Elderly Affairs, or the Department of Juvenile
2243 Justice or to be employed or used by such contractor or licensee
2244 in a sensitive position having direct contact with children,
2245 persons with disabilities, or the elderly;

2246 6. Is seeking to be employed or licensed by the Department
2247 of Education, any district school board, any university
2248 laboratory school, any charter school, any private or parochial
2249 school, or any local governmental entity that licenses child
2250 care facilities;

2251 7. Is seeking to be licensed by the Division of Insurance
2252 Agent and Agency Services within the Department of Financial
2253 Services; or

2254 8. Is seeking to be appointed as a guardian pursuant to s.
2255 744.3125.

2256 (b) A person who has been granted an expunction under this
2257 section and who is authorized under paragraph (a) to lawfully
2258 deny or fail to acknowledge the arrests and convictions covered
2259 by an expunged record may not be held under any law of this
2260 state to have committed perjury or to be otherwise liable for
2261 giving a false statement by reason of his or her failure to
2262 recite or acknowledge an expunged criminal history record.

17-00091A-26

20261398

2263 Section 10. Section 893.15, Florida Statutes, is amended to
2264 read:

2265 893.15 Rehabilitation.—Any person who violates s.
2266 893.13(6)(a) ~~or (b)~~ relating to possession may, in the
2267 discretion of the trial judge, be required to participate in a
2268 substance abuse services program approved or regulated by the
2269 Department of Children and Families pursuant to the provisions
2270 of chapter 397, provided the director of such program approves
2271 the placement of the defendant in such program. Such required
2272 participation shall be imposed in addition to any penalty or
2273 probation otherwise prescribed by law. However, the total time
2274 of such penalty, probation, and program participation may shall
2275 not exceed the maximum length of sentence possible for the
2276 offense.

2277 Section 11. Except as otherwise expressly provided in this
2278 act and except for this section, which shall take effect upon
2279 becoming a law, this act shall take effect January 1, 2027.