

By Senator Smith

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1 A bill to be entitled  
2 An act relating to the availability of marijuana for  
3 adult use; amending s. 212.08, F.S.; revising the  
4 sales tax exemption for the sale of marijuana and  
5 marijuana delivery devices to apply only to purchases  
6 by qualified patients and caregivers; amending s.  
7 381.986, F.S.; revising definitions; revising  
8 background screening requirements for caregivers;  
9 revising provisions related to the licensure and  
10 functions of medical marijuana treatment centers  
11 (MMTCs); requiring the Department of Health to adopt  
12 by rule certain standards, procedures, and  
13 requirements; requiring the department to adopt by  
14 rule a specified MMTC registration form; providing  
15 registration requirements; providing that a  
16 registration expires after a specified time; requiring  
17 an MMTC to obtain separate operating licenses to  
18 perform certain operations; specifying application  
19 requirements for MMTCs to obtain cultivation licenses  
20 and processing licenses; providing for the expiration  
21 and renewal of such licenses; requiring an MMTC to  
22 obtain a facility permit before cultivating or  
23 processing marijuana at the facility; authorizing  
24 MMTCs licensed to cultivate or process marijuana to  
25 use contractors to assist with the cultivation and  
26 processing of marijuana; providing that a licensee is  
27 ultimately responsible for all operations relating to  
28 the cultivation and processing and for maintaining  
29 physical possession of the marijuana at all times;

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requiring that work done by contractors be performed at permitted facilities; requiring licensees using a contractor to register the contractor's principals and employees under certain circumstances; providing that such principals and employees may not begin participating in the operations until they have received an identification card from the department; providing for the destruction of certain marijuana byproducts within a specified timeframe after their production; authorizing MMTCs licensed to cultivate and process marijuana to sell marijuana at wholesale to other registered MMTCs only if certain conditions are met; prohibiting an MMTC from transporting or delivering marijuana outside of its property without a transportation license; providing requirements for the cultivation and processing of marijuana; deleting a requirement that each MMTC produce and make available for purchase at least one low-THC cannabis product; deleting certain tetrahydrocannabinol limits for edibles; requiring an MMTC that holds a license for processing to test marijuana before it is sold in addition to when it is dispensed; deleting obsolete language; revising packaging requirements for marijuana and edibles; providing application requirements for an MMTC to obtain a retail license; providing for the expiration and renewal of a retail license; requiring an MMTC to obtain a facility permit before selling, dispensing, or storing marijuana in a facility; requiring an MMTC to cease certain

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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

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the department; providing a process and requirements for MMTCs to obtain a vehicle permit; requiring MMTCs to designate a registered employee or contract employee as the driver for each permitted vehicle; requiring proof of such designation to be displayed in the vehicle at all times; requiring that each permitted vehicle be monitored using GPS technology; providing for the expiration and cancellation of vehicle permits; providing that specified persons may inspect and search a permitted vehicle transporting marijuana without a search warrant; authorizing an MMTC licensed to transport marijuana and marijuana delivery devices to deliver or contract for the delivery of marijuana and marijuana delivery devices to other MMTCs within this state, to qualified patients and caregivers within this state, and to adults 21 years of age or older within this state; specifying that a county or municipality may not prohibit deliveries of marijuana or marijuana delivery devices to qualified patients and caregivers within that county or municipality; requiring an MMTC delivering marijuana or a marijuana delivery device to a qualified patient or his or her caregiver to verify the identity of the qualified patient; requiring an MMTC or its contractor delivering marijuana to an adult 21 years of age or older to verify his or her age; providing requirements for such verification; requiring the department to adopt certain rules for the delivery of marijuana; authorizing MMTCs to use

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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

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to be insured with specified hazard and liability insurance; providing requirements for the location of dispensing facilities and storage facilities; clarifying that the governing body of a county or a municipality may prohibit or limit the number of dispensing facilities located within its jurisdiction but may not prohibit an MMTC licensed for retail or its permitted storage facility from being located in such county's or municipality's jurisdiction if the MMTC is delivering marijuana to qualified patients in that jurisdiction; prohibiting the department from issuing a facility permit for a dispensing facility in a county or municipality that adopts a specified ordinance; prohibiting counties and municipalities from requiring, requesting, or accepting financial contributions or similar benefits from MMTCs, except for levying local business taxes; authorizing a county or municipality to levy a local tax on a dispensing facility; providing that local ordinances may not result in or provide for certain outcomes; authorizing the department to adopt specified requirements by rule; requiring the department to adopt rules to administer the registration of certain MMTC principals, employees, and contractors; requiring an MMTC to apply to the department for the registration of certain persons before hiring or contracting with such persons; requiring the department to adopt by rule a registration form that includes specified information; requiring the department to register

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persons who satisfy specified conditions and issue them MMTC employee identification cards; providing requirements for the identification cards; requiring a registered person and the MMTC to update the department within a specified timeframe if certain information or the person's employment status changes; authorizing the department to contract with vendors to issue MMTC employee identification cards; requiring the department to inspect an MMTC and its facilities upon receipt of a complaint and to inspect each permitted facility at least biennially; authorizing the department to conduct additional inspections of a facility under certain circumstances; revising administrative penalties; authorizing the department to suspend, revoke, or refuse to renew an MMTC's registration, operating licenses, vehicle permits, or facility permits for violating certain provisions; requiring the department to refuse to renew an MMTC's cultivation, processing, retail, or transportation license under certain circumstances; revising provisions related to criminal and civil penalties and fees to conform to changes made by the act; providing applicability; deleting obsolete language; creating s. 381.9901, F.S.; authorizing a person 21 years of age or older to purchase marijuana products, marijuana in a form for smoking, and marijuana delivery devices under certain circumstances; requiring that such products be purchased only from an MMTC licensed by the department for the retail sale of marijuana and

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



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Department of Agriculture and Consumer Services, by a specified date, to adopt rules regulating the cultivation of marijuana by members of the public for private use, including rules regulating the use of a specified model for cultivation; amending s. 893.13, F.S.; authorizing a person 21 years of age or older to deliver marijuana products to another person 21 years of age or older and to possess marijuana products in a specified amount under certain circumstances; providing criminal penalties for the delivery or possession of marijuana products by a person younger than 21 years of age under certain circumstances; creating s. 893.1352, F.S.; providing legislative intent; providing construction; providing for the retroactive applicability of s. 893.13, F.S.; requiring certain sentences for specified offenses; requiring that individuals serving certain sentences for specified crimes receive sentence review hearings, if requested; providing requirements for sentence review and resentencing; requiring that certain conviction-related fines, fees, and costs be waived under certain circumstances; amending s. 893.147, F.S.; authorizing a person 21 years of age or older to possess, use, transport, or deliver, without consideration, a marijuana delivery device to another person 21 years of age or older; providing criminal penalties for the possession, use, transport, or delivery, without consideration, of a marijuana delivery device by a person younger than 21 years of

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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

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

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

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

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

(2) EXEMPTIONS; MEDICAL.—

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

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

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

381.986 Medical use of marijuana.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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cannabis not in a form for smoking.

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

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

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

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

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

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

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

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

(4) PHYSICIAN CERTIFICATION.—

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

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dose amount to calculate a 70-day supply.

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

a. The qualified patient's qualifying medical condition.

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

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

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

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

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

(5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

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

(6) CAREGIVERS.—

(b) A caregiver must:

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

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

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

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

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



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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~~

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

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

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

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

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

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

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

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

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

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

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

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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-~~

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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.~~

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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       ~~(c) 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.

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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



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

(b) Registration.—

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

a. The applicant's full legal name.

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

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

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

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

(I) Cultivation.

(II) Processing.

(III) Retail sales.

(IV) Transportation.

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

a. The applicant's completed registration form.

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

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

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

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

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

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

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

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

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

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

(c) Cultivation licenses and processing licenses.—

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

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

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

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

c. As applicable to the requested license or licenses:

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

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

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

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

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

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department for that location pursuant to paragraph (g).

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

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

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

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

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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~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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other plant.

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

d. Shall ~~Must~~ perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

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

9.8. ~~An MMTC A medical marijuana treatment center~~ that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. ~~Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol.~~ Edibles may not have a tetrahydrocannabinol potency variance greater than 15 percent. Marijuana products, including edibles, may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule all any shapes, forms, and ingredients allowed and prohibited for edibles. MMTCs ~~Medical marijuana treatment centers~~ may not begin processing or



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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

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

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

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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

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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 ~~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.

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

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

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

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

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

- a. Clinical pharmacology.
- b. Indications and use.
- c. Dosage and administration.
- d. Dosage forms and strengths.
- e. Contraindications.
- f. Warnings and precautions.
- g. Adverse reactions.

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

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universal symbol.

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

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

(d) Retail licenses.—

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

a. A completed retail license application form.

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

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license pursuant to paragraph (f).

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

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

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

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

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

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1132       4. A dispensing facility may not repackage 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~~



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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~~ 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

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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

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

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

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

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

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

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

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

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

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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

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presented.

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

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

2. An MMTC with a transportation license may not transport marijuana on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

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

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

5. When transporting marijuana, a permitted vehicle is subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy

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

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

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

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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

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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



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

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

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

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

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

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~~a medical marijuana treatment center must:~~

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

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

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

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

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

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

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

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

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

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

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

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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

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conditions:

a. All advertisements must be approved by the department.

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

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

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

(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:

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.

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.

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

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

(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.

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

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

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

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

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

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

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

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

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

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

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employs him or her.

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

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

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

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

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

~~(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized~~

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

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

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

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

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

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

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

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

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

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

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

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



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violations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) PENALTIES.—

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

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

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

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not exceeding \$100.

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

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

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

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

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

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

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

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

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

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

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s. 893.13.

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

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

(14) EXCEPTIONS TO OTHER LAWS.—

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

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

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

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

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

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



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

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

381.9901 Adult use of marijuana.—

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

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

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

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

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

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

604.71 Local regulation of vegetable gardens.—

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

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

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

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

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outlined in chapter 893.

Section 5. The Department of Agriculture and Consumer Services shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, regulating the cultivation of marijuana by members of the public for their private use, including rules regulating the use of a cooperative model for cultivation. The department shall adopt the rules no later than October 1, 2026. This section takes effect upon this act becoming a law.

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

893.13 Prohibited acts; penalties.—

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

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

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

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

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

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

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

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

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

893.1352 Retroactive application of s. 893.13.—

(1) It is the intent of the Legislature to apply amendments to s. 893.13 retroactively to certain persons who were convicted of possession of cannabis before January 1, 2027.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as



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

(a) A controlled substance in violation of this chapter; or

(b) Contraband as defined in s. 932.701(2)(a)1.

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

(5) ACTS INVOLVING A MARIJUANA DELIVERY DEVICE.—

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

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

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

943.0586 Cannabis expunction.—

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

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

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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

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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

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

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

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

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

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

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

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

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

(8) EFFECT OF CANNABIS EXPUNCTION ORDER.—

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

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

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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.

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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.