399010

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 229
and insert:
Section 1. Present paragraphs (a) through (d) of subsection (11) of section 381.986, Florida Statutes, are redesignated as paragraphs (b) through (e), a new paragraph (a) is added to that subsection, and paragraph (f) of subsection (1), paragraphs (a) and (c) of subsection (3), paragraph (h) of subsection (4), paragraph (a) of subsection (8), and present paragraphs (a) and (c) of subsection (11) of that section are amended, to read:

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12 381.986 Medical use of marijuana.—
13 (1) DEFINITIONS.—As used in this section, the term:
14 (f) "Low-THC cannabis" means a plant of the genus *Cannabis*,
15 whether growing or not ~~the dried flowers of which contain 0.8~~
16 ~~percent or less of tetrahydrocannabinol and more than 10 percent~~
17 ~~of cannabidiol weight for weight~~; the seeds thereof; the resin
18 extracted from any part of such plant; and every ~~or any~~
19 compound, manufacture, salt, derivative, mixture, or preparation
20 of such plant or its seeds or resin, excluding edibles; which
21 contains 0.8 percent or less of tetrahydrocannabinol and more
22 than 2 percent of cannabidiol, weight for weight, which ~~that~~ is
23 dispensed from a medical marijuana treatment center.
24 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—
25 (a) Before being approved as a qualified physician ~~and~~
26 ~~before each license renewal~~, a physician must successfully
27 complete a 2-hour course and subsequent examination offered by
28 the Florida Medical Association or the Florida Osteopathic
29 Medical Association which encompass the requirements of this
30 section and any rules adopted hereunder. Qualified physicians
31 must renew the course certification biennially. The course and
32 examination must be administered at least annually and may be
33 offered in a distance learning format, including an electronic,
34 online format that is available upon request. The price of the
35 course may not exceed $500.
36 (c) Before being employed as a medical director ~~and before~~
37 ~~each license renewal~~, a medical director must successfully
38 complete a 2-hour course and subsequent examination offered by
39 the Florida Medical Association or the Florida Osteopathic
40 Medical Association which encompass the requirements of this

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41 section and any rules adopted hereunder. Medical directors must
42 renew the course certification biennially. The course and
43 examination must be administered at least annually and may be
44 offered in a distance learning format, including an electronic,
45 online format that is available upon request. The price of the
46 course may not exceed $500.
47 (4) PHYSICIAN CERTIFICATION.—
48 ~~(h) An active order for low-THC cannabis or medical~~
49 ~~cannabis issued pursuant to former s. 381.986, Florida Statutes~~
50 ~~2016, and registered with the compassionate use registry before~~
51 ~~June 23, 2017, is deemed a physician certification, and all~~
52 ~~patients possessing such orders are deemed qualified patients~~
53 ~~until the department begins issuing medical marijuana use~~
54 ~~registry identification cards.~~
55 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—
56 (a) The department shall license medical marijuana
57 treatment centers to ensure reasonable statewide accessibility
58 and availability as necessary for qualified patients registered
59 in the medical marijuana use registry and who are issued a
60 physician certification under this section.
61 1. As soon as practicable, but no later than July 3, 2017,
62 the department shall license as a medical marijuana treatment
63 center any entity that holds an active, unrestricted license to
64 cultivate, process, transport, and dispense low-THC cannabis,
65 medical cannabis, and cannabis delivery devices, under former s.
66 381.986, Florida Statutes 2016, before July 1, 2017, and which
67 meets the requirements of this section. In addition to the
68 authority granted under this section, these entities are
69 authorized to dispense low-THC cannabis, medical cannabis, and

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70 cannabis delivery devices ordered pursuant to former s. 381.986,
71 Florida Statutes 2016, ~~which were entered into the compassionate~~
72 ~~use registry before July 1, 2017,~~ and are authorized to begin
73 dispensing marijuana under this section on July 3, 2017. The
74 department may grant variances from the representations made in
75 such an entity's original application for approval under former
76 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).
77 2. The department shall license as medical marijuana
78 treatment centers 10 applicants that meet the requirements of
79 this section, under the following parameters:
80 a. As soon as practicable, but no later than August 1,
81 2017, the department shall license any applicant whose
82 application was reviewed, evaluated, and scored by the
83 department and which was denied a dispensing organization
84 license by the department under former s. 381.986, Florida
85 Statutes 2014; which had one or more administrative or judicial
86 challenges pending as of January 1, 2017, or had a final ranking
87 within one point of the highest final ranking in its region
88 under former s. 381.986, Florida Statutes 2014; which meets the
89 requirements of this section; and which provides documentation
90 to the department that it has the existing infrastructure and
91 technical and technological ability to begin cultivating
92 marijuana within 30 days after registration as a medical
93 marijuana treatment center.
94 b. As soon as practicable, the department shall license one
95 applicant that is a recognized class member of *Pigford v.*
96 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
97 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
98 under this sub-subparagraph is exempt from the requirement of

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99 subparagraph (b)2. An applicant that applies for licensure under
100 this sub-subparagraph, pays its initial application fee, is
101 determined by the department through the application process to
102 qualify as a recognized class member, and is not awarded a
103 license under this sub-subparagraph may transfer its initial
104 application fee to one subsequent opportunity to apply for
105 licensure under subparagraph 4.
106 c. As soon as practicable, but no later than October 3,
107 2017, the department shall license applicants that meet the
108 requirements of this section in sufficient numbers to result in
109 10 total licenses issued under this subparagraph, while
110 accounting for the number of licenses issued under sub-
111 subparagraphs a. and b.
112 3. For up to two of the licenses issued under subparagraph
113 2., the department shall give preference to applicants that
114 demonstrate in their applications that they own one or more
115 facilities that are, or were, used for the canning,
116 concentrating, or otherwise processing of citrus fruit or citrus
117 molasses and will use or convert the facility or facilities for
118 the processing of marijuana.
119 4. Within 6 months after the registration of 100,000 active
120 qualified patients in the medical marijuana use registry, the
121 department shall license four additional medical marijuana
122 treatment centers that meet the requirements of this section.
123 Thereafter, the department shall license four medical marijuana
124 treatment centers within 6 months after the registration of each
125 additional 100,000 active qualified patients in the medical
126 marijuana use registry that meet the requirements of this
127 section.

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128 (11) PREEMPTION.—Regulation of cultivation, processing, and
129 delivery of marijuana by medical marijuana treatment centers is
130 preempted to the state except as provided in this subsection.
131 (a) As used in this subsection, the term "park" means any
132 public or private property, excluding private residences, which
133 has equipment specifically installed for children's athletic,
134 recreational, or leisure activities, including, but not limited
135 to, playgrounds and athletic playing fields. The term does not
136 include conservation and recreation lands acquired in accordance
137 with chapter 259 or conservation and recreation lands designated
138 by a local government, unless such lands contain equipment
139 installed for children's athletic, recreational, or leisure
140 activities.
141 (b) A medical marijuana treatment center cultivating or
142 processing facility may not be located within 500 feet of the
143 real property that comprises a park, a child care facility as
144 defined in s. 402.302, a facility that provides early learning
145 services as specified in s. 1000.04(1), or a public or private
146 elementary school, middle school, or secondary school. The
147 subsequent establishment of any such park, child care facility,
148 early learning facility, or school after the approval of the
149 medical marijuana treatment center cultivating or processing
150 facility does not affect the continued operation or location of
151 the approved cultivating or processing facility. A medical
152 marijuana treatment center cultivating or processing facility
153 that was approved by the department before July 1, 2026, is
154 exempt from the distance restrictions relating to parks, child
155 care facilities, and early learning facilities.
156 (d) ~~(c)~~ A medical marijuana treatment center dispensing

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157 facility may not be located within 500 feet of the real property
158 that comprises a park, a child care facility as defined in s.
159 402.302, a facility that provides early learning services as
160 specified in s. 1000.04(1), or a public or private elementary
161 school, middle school, or secondary school unless the county or
162 municipality approves the location through a formal proceeding
163 open to the public at which the county or municipality
164 determines that the location promotes the public health, safety,
165 and general welfare of the community. The subsequent
166 establishment of any such park, child care facility, early
167 learning facility, or school after the approval of the medical
168 marijuana treatment center dispensing facility does not affect
169 the continued operation or location of the approved dispensing
170 facility. A medical marijuana treatment center dispensing
171 facility that was approved by the department before July 1,
172 2026, is exempt from the distance restrictions relating to
173 parks, child care facilities, and early learning facilities.
174
175 ========== T I T L E A M E N D M E N T ==========
176 And the title is amended as follows:
177 Delete line 7
178 and insert:
179 centers; deleting obsolete language; defining the term
180 “park”; prohibiting