

By Senator Bradley

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1 A bill to be entitled
2 An act relating to medical use of marijuana; providing
3 legislative intent; amending s. 212.08, F.S.;
4 providing an exemption from the state tax on sales,
5 use, and other transactions for marijuana and
6 marijuana delivery devices used for medical purposes;
7 providing for expiration of the exemption; amending s.
8 381.986, F.S.; providing, revising, and deleting
9 definitions; providing qualifying medical conditions
10 for a patient to be eligible to receive marijuana or a
11 marijuana delivery device; providing requirements for
12 designating a qualified physician or medical director;
13 providing criteria for certification of a patient for
14 medical marijuana treatment by a qualified physician;
15 providing for certain patients registered with the
16 medical marijuana use registry to be deemed qualified;
17 requiring the Department of Health to monitor
18 physician registration and certifications in the
19 medical marijuana use registry; requiring the Board of
20 Medicine and the Board of Osteopathic Medicine to
21 create a physician certification pattern review panel;
22 providing rulemaking authority to the department and
23 the boards; requiring the department to establish a
24 medical marijuana use registry; specifying entities
25 and persons who have access to the registry; providing
26 requirements for registration of, and maintenance of
27 registered status by, qualified patients and
28 caregivers; providing criteria for nonresidents to
29 prove residency for registration as a qualified

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30 patient; defining the term "seasonal resident";
31 authorizing the department to suspend or revoke the
32 registration of a patient or caregiver under certain
33 circumstances; providing requirements for the issuance
34 of medical marijuana use registry identification
35 cards; requiring the department to issue licenses to a
36 certain number of medical marijuana treatment centers;
37 providing for license renewal and revocation;
38 providing conditions for change of ownership;
39 providing for continuance of certain entities
40 authorized to dispense low-THC cannabis, medical
41 cannabis, and cannabis delivery devices; requiring a
42 medical marijuana treatment center to comply with
43 certain standards in the production and distribution
44 of edibles; requiring the department to establish,
45 maintain, and control a computer seed-to-sale
46 marijuana tracking system; requiring background
47 screening of owners, officers, board members, and
48 managers of medical marijuana treatment centers;
49 requiring the department to establish protocols and
50 procedures for operation, conduct periodic
51 inspections, and restrict location of medical
52 marijuana treatment centers; providing a limit on
53 county and municipal permit fees; authorizing counties
54 and municipalities to determine the location of
55 medical marijuana treatment centers by ordinance under
56 certain conditions; providing penalties; authorizing
57 the department to impose sanctions on persons or
58 entities engaging in unlicensed activities; providing

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59 that a person is not exempt from prosecution for
60 certain offenses and is not relieved from certain
61 requirements of law under certain circumstances;
62 providing for certain school personnel to possess
63 marijuana pursuant to certain established policies and
64 procedures; providing that certain research
65 institutions may possess, test, transport, and dispose
66 of marijuana subject to certain conditions; providing
67 applicability; amending ss. 458.331 and 459.015, F.S.;
68 providing additional acts by a physician or an
69 osteopathic physician which constitute grounds for
70 denial of a license or disciplinary action to which
71 penalties apply; creating s. 381.988, F.S.; providing
72 for the establishment of medical marijuana testing
73 laboratories; requiring the Department of Health, in
74 collaboration with the Department of Agriculture and
75 Consumer Services and the Department of Environmental
76 Protection, to develop certification standards and
77 rules; providing limitations on the acquisition and
78 distribution of marijuana by a testing laboratory;
79 providing an exception for transfer of marijuana under
80 certain conditions; requiring a testing laboratory to
81 use a department-selected computer tracking system;
82 providing grounds for disciplinary and administrative
83 action; authorizing the department to refuse to issue
84 or renew, or suspend or revoke, a testing laboratory
85 license; creating s. 381.989, F.S.; defining terms;
86 directing the department and the Department of Highway
87 Safety and Motor Vehicles to institute public

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88 education campaigns relating to cannabis and marijuana
89 and impaired driving; requiring evaluations of public
90 education campaigns; authorizing the department and
91 the Department of Highway Safety and Motor Vehicles to
92 contract with vendors to implement and evaluate the
93 campaigns; amending ss. 385.211, 499.0295, and 893.02,
94 F.S.; conforming provisions to changes made by the
95 act; creating s. 1004.4351, F.S.; providing a short
96 title; providing legislative findings; defining terms;
97 establishing the Coalition for Medical Marijuana
98 Research and Education within the H. Lee Moffitt
99 Cancer Center and Research Institute, Inc.; providing
100 a purpose for the coalition; establishing the Medical
101 Marijuana Research and Education Board to direct the
102 operations of the coalition; providing for the
103 appointment of board members; providing for terms of
104 office, reimbursement for certain expenses, and
105 meetings of the board; authorizing the board to
106 appoint a coalition director; prescribing the duties
107 of the coalition director; requiring the board to
108 advise specified entities and officials regarding
109 medical marijuana research and education in this
110 state; requiring the board to annually adopt a Medical
111 Marijuana Research and Education Plan; providing
112 requirements for the plan; requiring the board to
113 issue an annual report to the Governor and the
114 Legislature by a specified date; requiring the
115 Department of Health to submit reports to the board
116 containing specified data; specifying responsibilities

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117 of the H. Lee Moffitt Cancer Center and Research
118 Institute, Inc.; amending s. 1004.441, F.S.; revising
119 definition; amending s. 1006.062, F.S.; requiring
120 district school boards to adopt policies and
121 procedures for access to medical marijuana by
122 qualified patients who are students; providing
123 emergency rulemaking authority; providing for venue
124 for a cause of action against the department;
125 providing for defense against certain causes of
126 action; directing the Department of Law Enforcement to
127 develop training for law enforcement officers and
128 agencies; amending s. 385.212, F.S.; renaming the
129 department's Office of Compassionate Use; providing
130 severability; providing a directive to the Division of
131 Law Revision and Information; providing
132 appropriations; providing an effective date.
133

134 Be It Enacted by the Legislature of the State of Florida:
135

136 Section 1. Legislative intent.—It is the intent of the
137 Legislature to implement s. 29, Article X of the State
138 Constitution by creating a unified regulatory structure. If s.
139 29, Article X of the State Constitution is amended or a
140 constitutional amendment related to cannabis or marijuana is
141 adopted, this act shall expire 6 months after the effective date
142 of such amendment.

143 Section 2. Present paragraph (1) of subsection (2) of
144 section 212.08, Florida Statutes, is redesignated as paragraph
145 (m), and a new paragraph (1) is added to that subsection, to

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146 read:

147 212.08 Sales, rental, use, consumption, distribution, and
148 storage tax; specified exemptions.—The sale at retail, the
149 rental, the use, the consumption, the distribution, and the
150 storage to be used or consumed in this state of the following
151 are hereby specifically exempt from the tax imposed by this
152 chapter.

153 (2) EXEMPTIONS; MEDICAL.—

154 (1) Marijuana and marijuana delivery devices, as defined in
155 s. 381.986, are exempt from the taxes imposed under this
156 chapter.

157 Section 3. Section 381.986, Florida Statutes, is amended to
158 read:

159 (Substantial rewording of section. See
160 s. 381.986, F.S., for present text.)

161 381.986 Medical use of marijuana.—

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

163 (a) "Caregiver" means a resident of this state who has
164 agreed to assist with a qualified patient's medical use of
165 marijuana, has a caregiver identification card, and meets the
166 requirements of subsection (6).

167 (b) "Chronic nonmalignant pain" means pain that is caused
168 by a qualifying medical condition or that originates from a
169 qualifying medical condition and persists beyond the usual
170 course of that qualifying medical condition.

171 (c) "Close relative" means a spouse, parent, sibling,
172 grandparent, child, or grandchild, whether related by whole or
173 half blood, by marriage, or by adoption.

174 (d) "Edibles" means commercially produced food items made

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175 with marijuana oil, but no other form of marijuana, that are
176 produced and dispensed by a medical marijuana treatment center.

177 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
178 the dried flowers of which contain 0.8 percent or less of
179 tetrahydrocannabinol and more than 10 percent of cannabidiol
180 weight for weight; the seeds thereof; the resin extracted from
181 any part of such plant; or any compound, manufacture, salt,
182 derivative, mixture, or preparation of such plant or its seeds
183 or resin that is dispensed from a medical marijuana treatment
184 center.

185 (f) "Marijuana" means all parts of any plant of the genus
186 *Cannabis*, whether growing or not; the seeds thereof; the resin
187 extracted from any part of the plant; and every compound,
188 manufacture, salt, derivative, mixture, or preparation of the
189 plant or its seeds or resin, including low-THC cannabis, which
190 are dispensed from a medical marijuana treatment center for
191 medical use by a qualified patient.

192 (g) "Marijuana delivery device" means an object used,
193 intended for use, or designed for use in preparing, storing,
194 ingesting, inhaling, or otherwise introducing marijuana into the
195 human body, and which is dispensed from a medical marijuana
196 treatment center for medical use by a qualified patient.

197 (h) "Marijuana testing laboratory" means a facility that
198 collects and analyzes marijuana samples from a medical marijuana
199 treatment center and has been certified by the department
200 pursuant to s. 381.988.

201 (i) "Medical director" means a person who holds an active,
202 unrestricted license as an allopathic physician under chapter
203 458 or osteopathic physician under chapter 459 and is in

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204 compliance with the requirements of paragraph (3)(c).

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

208 1. Possession, use, or administration of marijuana that was
209 not purchased or acquired from a medical marijuana treatment
210 center.

211 2. Possession, use, or administration of marijuana in a
212 form for smoking, in the form of commercially produced food
213 items other than edibles, or of marijuana seeds or flower,
214 except for flower in a sealed, tamper-proof receptacle for
215 vaping.

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

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

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

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

226 b. In any public place, except for low-THC cannabis.

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

229 d. In a state correctional institution, as defined in s.
230 944.02, or a correctional institution, as defined in s. 944.241.

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

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233 f. In a school bus, a vehicle, an aircraft, or a motorboat,
234 except for low-THC cannabis.

235 (k) "Physician certification" means a qualified physician's
236 authorization for a qualified patient to receive marijuana and a
237 marijuana delivery device from a medical marijuana treatment
238 center.

239 (l) "Qualified patient" means a resident of this state who
240 has been added to the medical marijuana use registry by a
241 qualified physician to receive marijuana or a marijuana delivery
242 device for a medical use and who has a qualified patient
243 identification card.

244 (m) "Qualified physician" means a person who holds an
245 active, unrestricted license as an allopathic physician under
246 chapter 458 or as an osteopathic physician under chapter 459 and
247 is in compliance with the physician education requirements of
248 subsection (3).

249 (n) "Smoking" means burning or igniting a substance and
250 inhaling the smoke.

251 (o) "Terminal condition" means a progressive disease or
252 medical or surgical condition that causes significant functional
253 impairment, is not considered by a treating physician to be
254 reversible without the administration of life-sustaining
255 procedures, and will result in death within 1 year after
256 diagnosis if the condition runs its normal course.

257 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be
258 diagnosed with at least one of the following conditions to
259 qualify to receive marijuana or a marijuana delivery device:

260 (a) Cancer.

261 (b) Epilepsy.

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262 (c) Glaucoma.
263 (d) Positive status for human immunodeficiency virus.
264 (e) Acquired immune deficiency syndrome.
265 (f) Post-traumatic stress disorder.
266 (g) Amyotrophic lateral sclerosis.
267 (h) Crohn's disease.
268 (i) Parkinson's disease.
269 (j) Multiple sclerosis.
270 (k) Medical conditions of the same kind or class as or
271 comparable to those enumerated in paragraphs (a)-(j).
272 (l) A terminal condition diagnosed by a physician other
273 than the qualified physician issuing the physician
274 certification.
275 (m) Chronic nonmalignant pain.
276 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.-
277 (a) Before being approved as a qualified physician, as
278 defined in paragraph (1)(m), and before each license renewal, a
279 physician must successfully complete a 2-hour course and
280 subsequent examination offered by the Florida Medical
281 Association or the Florida Osteopathic Medical Association which
282 encompass the requirements of this section and any rules adopted
283 hereunder. The course and examination shall be administered at
284 least annually and may be offered in a distance learning format,
285 including an electronic, online format that is available upon
286 request. The price of the course may not exceed \$500. A
287 physician who has met the physician education requirements of
288 former s. 381.986(4), Florida Statutes 2016, before the
289 effective date of this section, shall be deemed to be in
290 compliance with this paragraph from the effective date of this

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291 act until 90 days after the course and examination required by
292 this paragraph become available.

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

296 (c) Before being employed as a medical director, as defined
297 in paragraph (1)(i), and before each license renewal, a medical
298 director must successfully complete a 2-hour course and
299 subsequent examination offered by the Florida Medical
300 Association or the Florida Osteopathic Medical Association which
301 encompass the requirements of this section and any rules adopted
302 hereunder. The course and examination shall be administered at
303 least annually and may be offered in a distance learning format,
304 including an electronic, online format that is available upon
305 request. The price of the course may not exceed \$500.

306 (4) PHYSICIAN CERTIFICATION.—

307 (a) A qualified physician may issue a physician
308 certification only if the qualified physician:

309 1. Conducted a physical examination while physically
310 present in the same room as the patient and a full assessment of
311 the medical history of the patient.

312 2. Diagnosed the patient with at least one qualifying
313 medical condition.

314 3. Determined that the medical use of marijuana would
315 likely outweigh the potential health risks for the patient, and
316 such determination must be documented in the patient's medical
317 record. If a patient is younger than 18 years of age, a second
318 physician must concur with this determination, and such
319 concurrence must be documented in the patient's medical record.

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320 4. Determined whether the patient is pregnant and
321 documented such determination in the patient's medical record. A
322 physician may not issue a physician certification, except for
323 low-THC cannabis, to a patient who is pregnant.

324 5. Reviewed the patient's controlled drug prescription
325 history in the prescription drug monitoring program database
326 established pursuant to s. 893.055.

327 6. Reviews the medical marijuana use registry and confirmed
328 that the patient does not have an active physician certification
329 from another qualified physician.

330 7. Registers as the issuer of the physician certification
331 for the named qualified patient on the medical marijuana use
332 registry in an electronic manner determined by the department,
333 and:

334 a. Enters into the registry the contents of the physician
335 certification, including the patient's qualifying condition and
336 the dosage not to exceed the daily dose amount determined by the
337 department, the amount and forms of marijuana authorized for the
338 patient, and any types of marijuana delivery devices needed by
339 the patient for the medical use of marijuana.

340 b. Updates the registry within 7 days after any change is
341 made to the original physician certification to reflect such
342 change.

343 c. Deactivates the registration of the qualified patient
344 and the patient's caregiver when the physician no longer
345 recommends the medical use of marijuana for the patient.

346 8. Obtains the voluntary and informed written consent of
347 the patient for medical use of marijuana each time the qualified
348 physician issues a physician certification for the patient,

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349 which shall be maintained in the patient's medical record. The
350 patient, or the patient's parent or legal guardian if the
351 patient is a minor, must sign the informed consent acknowledging
352 that the qualified physician has sufficiently explained its
353 content. The qualified physician must use a standardized
354 informed consent form adopted in rule by the Board of Medicine
355 and the Board of Osteopathic Medicine, which must include, at a
356 minimum, information related to:

357 a. The Federal Government's classification of marijuana as
358 a Schedule I controlled substance.

359 b. The approval and oversight status of marijuana by the
360 Food and Drug Administration.

361 c. The current state of research on the efficacy of
362 marijuana to treat the qualifying conditions set forth in this
363 section.

364 d. The potential for addiction.

365 e. The potential effect that marijuana may have on a
366 patient's coordination, motor skills, and cognition, including a
367 warning against operating heavy machinery, operating a motor
368 vehicle, or engaging in activities that require a person to be
369 alert or respond quickly.

370 f. The potential side effects of marijuana use.

371 g. The risks, benefits, and drug interactions of marijuana.

372 h. That the patient's de-identified health information
373 contained in the physician certification and medical marijuana
374 use registry may be used for research purposes.

375 (b) If a qualified physician issues a physician
376 certification for a qualified patient diagnosed with a
377 qualifying medical condition pursuant to paragraph (2)(k), the

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378 physician must submit the following to the applicable board
379 within 14 days after issuing the physician certification:

380 1. Documentation supporting the qualified physician's
381 opinion that the medical condition is of the same kind or class
382 as the conditions in paragraphs (2) (a)-(j).

383 2. Documentation that establishes the efficacy of marijuana
384 as treatment for the condition.

385 3. Documentation supporting the qualified physician's
386 opinion that the benefits of medical use of marijuana would
387 likely outweigh the potential health risks for the patient.

388 4. Any other documentation as required by board rule.

389
390 The department must submit such documentation to the Coalition
391 for Medical Marijuana Research and Education established
392 pursuant to s. 1004.4351.

393 (c) A qualified physician may not issue a physician
394 certification for more than three 70-day supply limits of
395 marijuana. The department shall quantify by rule a daily dose
396 amount with equivalent dose amounts for each allowable form of
397 marijuana dispensed by a medical marijuana treatment center. The
398 department shall use the daily dose amount to calculate a 70-day
399 supply.

400 1. A qualified physician may request an exception to the
401 daily dose amount limit. The request shall be made
402 electronically on a form adopted by the department in rule and
403 must include, at a minimum:

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

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

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

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

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

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

418 (d) A qualified physician must evaluate an existing
419 qualified patient at least once every 30 weeks before issuing a
420 new physician certification. A physician must:

421 1. Determine if the patient still meets the requirements to
422 be issued a physician certification under paragraph (a).

423 2. Identify and document in the qualified patient's medical
424 records whether the qualified patient experienced either of the
425 following related to the medical use of marijuana:

426 a. An adverse drug interaction with any prescription or
427 nonprescription medication; or

428 b. A reduction in the use of, or dependence on, other types
429 of controlled substances as defined in s. 893.02.

430 3. Submit a report with the findings required pursuant to
431 subparagraph 2. to the department. The department shall submit
432 such reports to the Coalition for Medical Marijuana Research and
433 Education established pursuant to s. 1004.4351.

434 (e) An active order for low-THC cannabis or medical
435 cannabis issued pursuant to former s. 381.986, Florida Statutes

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436 2016, and registered with the compassionate use registry before
437 the effective date of this section, is deemed a physician
438 certification, and all patients possessing such orders are
439 deemed qualified patients until the department begins issuing
440 medical marijuana use registry identification cards.

441 (f) The department shall monitor physician registration in
442 the medical marijuana use registry and the issuance of physician
443 certifications for practices that could facilitate unlawful
444 diversion or misuse of marijuana or a marijuana delivery device
445 and shall take disciplinary action as appropriate.

446 (g) The Board of Medicine and the Board of Osteopathic
447 Medicine shall jointly create a physician certification pattern
448 review panel that shall review all physician certifications
449 submitted to the medical marijuana use registry. The panel shall
450 track and report the number of physician certifications and the
451 qualifying medical conditions, dosage, supply amount, and form
452 of marijuana certified. The panel shall report the data both by
453 individual qualified physician and in the aggregate, by county,
454 and statewide. The physician certification pattern review panel
455 shall, beginning January 1, 2018, submit an annual report of its
456 findings and recommendations to the Governor, the President of
457 the Senate, and the Speaker of the House of Representatives.

458 (h) The department, the Board of Medicine, and the Board of
459 Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1)
460 and 120.54 to implement this subsection.

461 (5) MEDICAL MARIJUANA USE REGISTRY.—

462 (a) The department shall create and maintain a secure,
463 electronic, and online medical marijuana use registry for
464 physicians, patients, and caregivers as provided under this

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465 section. The medical marijuana use registry must be accessible
466 to law enforcement agencies, qualified physicians, and medical
467 marijuana treatment centers to verify the authorization of a
468 qualified patient or a caregiver to possess marijuana or a
469 marijuana delivery device and record the marijuana or marijuana
470 delivery device dispensed. The medical marijuana use registry
471 must also be accessible to practitioners licensed to prescribe
472 prescription drugs to ensure proper care for patients before
473 medications that may interact with the medical use of marijuana
474 are prescribed. The medical marijuana use registry must prevent
475 an active registration of a qualified patient by multiple
476 physicians.

477 (b) The department shall determine whether an individual is
478 a resident of this state for the purpose of registration of
479 qualified patients and caregivers in the medical marijuana use
480 registry. To prove residency:

481 1. An adult resident must provide the department with a
482 copy of his or her valid Florida driver license issued under s.
483 322.18 or a copy of a valid Florida identification card issued
484 under s. 322.051.

485 2. An adult seasonal resident who cannot meet the
486 requirements of subparagraph 1. may provide the department with
487 a copy of two of the following that show proof of residential
488 address:

489 a. A deed, mortgage, monthly mortgage statement, mortgage
490 payment booklet or residential rental or lease agreement.

491 b. One proof of residential address from the seasonal
492 resident's parent, step-parent, legal guardian or other person
493 with whom the seasonal resident resides and a statement from the

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494 person with whom the seasonal resident resides stating that the
495 seasonal resident does reside with him or her.

496 c. A utility hookup or work order dated within 60 days
497 before registration in the medical use registry.

498 d. A utility bill, not more than 2 months old.

499 e. Mail from a financial institution, including checking,
500 savings, or investment account statements, not more than 2
501 months old.

502 f. Mail from a federal, state, county, or municipal
503 government agency, not more than 2 months old.

504 g. Any other documentation that provides proof of
505 residential address as determined by department rule.

506 3. A minor must provide the department with a certified
507 copy of a birth certificate or a current record of registration
508 from a Florida K-12 school and must have a parent or legal
509 guardian who meets the requirements of subparagraph 1.

510
511 For the purposes of this paragraph, the term "seasonal resident"
512 means any person who temporarily resides in this state for a
513 period of at least 31 consecutive days in each calendar year,
514 maintains a temporary residence in this state, returns to the
515 state or jurisdiction of his or her residence at least one time
516 during each calendar year, and is registered to vote or pays
517 income tax in another state or jurisdiction.

518 (c) The department may suspend or revoke the registration
519 of a qualified patient or caregiver if the qualified patient or
520 caregiver:

521 1. Provides misleading, incorrect, false, or fraudulent
522 information to the department;

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523 2. Obtains a supply of marijuana in an amount greater than
524 the amount authorized by the physician certification;

525 3. Falsifies, alters, or otherwise modifies an
526 identification card;

527 4. Fails to timely notify the department of any changes to
528 his or her qualified patient status; or

529 5. Violates the requirements of this section or any rule
530 adopted under this section.

531 (d) The department shall immediately suspend the
532 registration of a qualified patient charged with a violation of
533 chapter 893 until final disposition of any alleged offense.
534 Thereafter, the department may extend the suspension, revoke the
535 registration, or reinstate the registration.

536 (e) The department shall immediately suspend the
537 registration of any caregiver charged with a violation of
538 chapter 893 until final disposition of any alleged offense. The
539 department shall revoke a caregiver registration if the
540 caregiver does not meet the requirements of subparagraph
541 (6) (b) 6.

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

546 (g) The department shall revoke the registration of a
547 qualified patient, and the patient's associated caregiver, upon
548 notification that the patient no longer meets the criteria of a
549 qualified patient.

550 (h) The department may adopt rules pursuant to ss.
551 120.536(1) and 120.54 to implement this subsection.

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552 (6) CAREGIVERS.—

553 (a) The department must register an individual as a
554 caregiver on the medical marijuana use registry and issue a
555 caregiver identification card if an individual designated by a
556 qualified patient meets all of the requirements of this
557 subsection and department rule.

558 (b) A caregiver must:

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

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

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

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

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

573 6. Pass a background screening pursuant to subsection (9),
574 unless the patient is a close relative of the caregiver.

575 (c) A qualified patient may designate no more than one
576 caregiver to assist with the qualified patient's medical use of
577 marijuana, unless:

578 1. The qualified patient is a minor and the designated
579 caregivers are parents or legal guardians of the qualified
580 patient;

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581 2. The qualified patient is an adult who has an
582 intellectual or developmental disability that prevents the
583 patient from being able to protect or care for himself or
584 herself without assistance or supervision and the designated
585 caregivers are the parents or legal guardians of the qualified
586 patient; or

587 3. The qualified patient is admitted to a hospice program.

588 (d) A caregiver may be registered in the medical marijuana
589 use registry as a designated caregiver for no more than one
590 qualified patient, unless:

591 1. The caregiver is a parent or legal guardian of more than
592 one minor who is a qualified patient;

593 2. The caregiver is a parent or legal guardian of more than
594 one adult who is a qualified patient and who has an intellectual
595 or developmental disability that prevents the patient from being
596 able to protect or care for himself or herself without
597 assistance or supervision; or

598 3. All qualified patients the caregiver has agreed to
599 assist are admitted to a hospice program and have requested the
600 assistance of that caregiver with the medical use of marijuana;
601 the caregiver is an employee of the hospice; and the caregiver
602 provides personal care or other services directly to clients of
603 the hospice in the scope of that employment.

604 (e) A caregiver may not receive compensation, other than
605 actual expenses incurred, for any services provided to the
606 qualified patient.

607 (f) If a qualified patient is younger than 18 years of age,
608 only a caregiver may purchase or administer marijuana for
609 medical use by the qualified patient. The qualified patient may

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610 not purchase marijuana.

611 (g) A caregiver must be in immediate possession of his or
612 her medical marijuana use registry identification card at all
613 times when in possession of marijuana or a marijuana delivery
614 device and must present his or her medical marijuana use
615 registry identification card upon the request of a law
616 enforcement officer.

617 (h) The department may adopt rules pursuant to ss.
618 120.536(1) and 120.54 to implement this subsection.

619 (7) IDENTIFICATION CARDS.—

620 (a) The department shall issue medical marijuana use
621 registry identification cards for qualified patients and
622 caregivers who are residents of this state, which must be
623 renewed annually. The identification cards must be resistant to
624 counterfeiting and tampering and must include, at a minimum, the
625 following:

626 1. The name, address, and date of birth of the qualified
627 patient or caregiver.

628 2. A full-face, passport-type, color photograph of the
629 qualified patient or caregiver taken within the 90 days
630 immediately preceding registration or the Florida driver license
631 or Florida identification card photograph of the qualified
632 patient or caregiver obtained directly from the Department of
633 Highway Safety and Motor Vehicles.

634 3. Identification as a qualified patient or a caregiver.

635 4. The unique numeric identifier used for the qualified
636 patient in the medical marijuana use registry.

637 5. For a caregiver, the name and unique numeric identifier
638 of the caregiver and the qualified patient or patients that the

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639 caregiver is assisting.

640 6. The expiration date of the identification card.

641 (b) The department must receive written consent from a
642 qualified patient's parent or legal guardian before it may issue
643 an identification card to a qualified patient who is a minor.

644 (c) The department shall adopt rules pursuant to ss.
645 120.536(1) and 120.54 establishing procedures for the issuance,
646 renewal, suspension, replacement, surrender, and revocation of
647 medical marijuana use registry identification cards pursuant to
648 this section and shall begin issuing qualified patient
649 identification cards by October 3, 2017.

650 (d) Applications for identification cards must be submitted
651 on a form prescribed by the department. The department may
652 charge a reasonable fee associated with the issuance,
653 replacement, and renewal of identification cards. The department
654 shall allocate \$10 of the identification card fee to the
655 Division of Research at Florida Agricultural and Mechanical
656 University for the purpose of educating minorities about
657 marijuana for medical use and the impact of the unlawful use of
658 marijuana on minority communities. The department may contract
659 with a third-party vendor to issue identification cards. The
660 vendor selected by the department must have experience
661 performing similar functions for other state agencies.

662 (e) A qualified patient or caregiver shall return his or
663 her identification card to the department within 5 business days
664 after revocation.

665 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

666 (a) The department shall license medical marijuana
667 treatment centers to ensure reasonable statewide accessibility

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668 and availability as necessary for qualified patients registered
669 in the medical marijuana use registry and who are issued a
670 physician certification under this section.

671 1. As soon as practicable, but no later than July 3, 2017,
672 the department shall license as a medical marijuana treatment
673 center any entity that holds an active, unrestricted license to
674 cultivate, process, transport, and dispense low-THC cannabis,
675 medical cannabis, and cannabis delivery devices, under former s.
676 381.986, Florida Statutes 2016, before July 1, 2017, and which
677 meets the requirements of this section. In addition to the
678 authority granted under this section, these entities are
679 authorized to dispense low-THC cannabis, medical cannabis, and
680 cannabis delivery devices ordered pursuant to former s. 381.986,
681 Florida Statutes 2016, which were entered into the compassionate
682 use registry before July 1, 2017, and are authorized to begin
683 dispensing marijuana under this section on July 3, 2017. The
684 department may grant variances from the representations made in
685 such an entity's original application for approval under former
686 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

690 a. As soon as practicable, but no later than August 1,
691 2017, the department shall license any applicant whose
692 application was reviewed, evaluated, and scored by the
693 department and which was denied a dispensing organization
694 license by the department under former s. 381.986, Florida
695 Statutes 2014; which had one or more administrative or judicial
696 challenges pending as of January 1, 2017, or had a final ranking

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697 within one point of the highest final ranking in its region
698 under former s. 381.986, Florida Statutes 2014; which meets the
699 requirements of this section; and which provides documentation
700 to the department that it has the existing infrastructure and
701 technical and technological ability to begin cultivating
702 marijuana within 30 days after registration as a medical
703 marijuana treatment center.

704 b. As soon as practicable, but no later than October 3,
705 2017, the department shall license one applicant that is a
706 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
707 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
708 (D.D.C. 2011) and is a member of the Black Farmers and
709 Agriculturalists Association-Florida Chapter. An applicant
710 licensed under this sub-subparagraph is exempt from the
711 requirements of subparagraphs (b)1. and (b)2.

712 c. As soon as practicable, but no later than October 3,
713 2017, the department shall license applicants that meet the
714 requirements of this section in sufficient numbers to result in
715 10 total licenses issued under this subparagraph, while
716 accounting for the number of licenses issued under sub-
717 subparagraphs a. and b.

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

725 4. Within 6 months after the registration of 100,000 active

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726 qualified patients in the medical marijuana use registry, the
727 department shall license four additional medical marijuana
728 treatment centers that meet the requirements of this section.
729 Thereafter, the department shall license four medical marijuana
730 treatment centers within 6 months after the registration of each
731 additional 100,000 active qualified patients in the medical
732 marijuana use registry that meet the requirements of this
733 section.

734 5. Dispensing facilities are subject to the following
735 requirements:

736 a. A medical marijuana treatment center may not establish
737 or operate more than a statewide maximum of 25 dispensing
738 facilities, unless the medical marijuana use registry reaches a
739 total of 100,000 active registered qualified patients. When the
740 medical marijuana use registry reaches 100,000 active registered
741 qualified patients, and then upon each further instance of the
742 total active registered qualified patients increasing by
743 100,000, the statewide maximum number of dispensing facilities
744 that each licensed medical marijuana treatment center may
745 establish and operate increases by five.

746 b. A medical marijuana treatment center may not establish
747 more than the maximum number of dispensing facilities allowed in
748 each of the Northwest, Northeast, Central, Southwest, and
749 Southeast Regions. The department shall determine a medical
750 marijuana treatment center's maximum number of dispensing
751 facilities allowed in each region by calculating the percentage
752 of the total statewide population contained within that region
753 and multiplying that percentage by the medical marijuana
754 treatment center's statewide maximum number of dispensing

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755 facilities established under sub-subparagraph a., rounded to the
756 nearest whole number. The department shall ensure that such
757 rounding does not cause a medical marijuana treatment center's
758 total number of statewide dispensing facilities to exceed its
759 statewide maximum. The department shall initially calculate the
760 maximum number of dispensing facilities allowed in each region
761 for each medical marijuana treatment center using county
762 population estimates from the Florida Estimates of Population
763 2016, as published by the Office of Economic and Demographic
764 Research, and shall perform recalculations following the
765 official release of county population data resulting from each
766 United States Decennial Census. For the purposes of this
767 subparagraph:

768 (I) The Northwest Region consists of Bay, Calhoun,
769 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
770 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
771 Walton, and Washington Counties.

772 (II) The Northeast Region consists of Alachua, Baker,
773 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
774 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
775 Suwannee, and Union Counties.

776 (III) The Central Region consists of Brevard, Citrus,
777 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
778 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
779 Counties.

780 (IV) The Southwest Region consists of Charlotte, Collier,
781 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
782 Okeechobee, and Sarasota Counties.

783 (V) The Southeast Region consists of Broward, Miami-Dade,

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784 Martin, Monroe, and Palm Beach Counties.

785 c. If a medical marijuana treatment center establishes a
786 number of dispensing facilities within a region that is less
787 than the number allowed for that region under sub-subparagraph
788 b., the medical marijuana treatment center may sell one or more
789 of its unused dispensing facility slots to other licensed
790 medical marijuana treatment centers. For each dispensing
791 facility slot that a medical marijuana treatment center sells,
792 that medical marijuana treatment center's statewide maximum
793 number of dispensing facilities, as determined under sub-
794 subparagraph a., is reduced by one. The statewide maximum number
795 of dispensing facilities for a medical marijuana treatment
796 center that purchases an unused dispensing facility slot is
797 increased by one per slot purchased. Additionally, the sale of a
798 dispensing facility slot shall reduce the seller's regional
799 maximum and increase the purchaser's regional maximum number of
800 dispensing facilities, as determined in sub-subparagraph b., by
801 one for that region. For any slot purchased under this sub-
802 subparagraph, the regional restriction applied to that slot's
803 location under sub-subparagraph b. before the purchase shall
804 remain in effect following the purchase. A medical marijuana
805 treatment center that sells or purchases a dispensing facility
806 slot must notify the department within 3 days of sale.

807 d. This subparagraph shall expire on April 1, 2020.

808

809 If this subparagraph or its application to any person or
810 circumstance is held invalid, the invalidity does not affect
811 other provisions or applications of this act which can be given
812 effect without the invalid provision or application, and to this

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813 end, the provisions of this subparagraph are severable.

814 (b) An applicant for licensure as a medical marijuana
815 treatment center shall apply to the department on a form
816 prescribed by the department and adopted in rule. The department
817 shall adopt rules pursuant to ss. 120.536(1) and 120.54
818 establishing a procedure for the issuance and biennial renewal
819 of licenses, including initial application and biennial renewal
820 fees sufficient to cover the costs of implementing and
821 administering this section and ss. 381.989 and 1004.4351. The
822 department shall identify applicants with strong diversity plans
823 reflecting this state's commitment to diversity and implement
824 training programs and other educational programs to enable
825 minority persons and minority business enterprises, as defined
826 in s. 288.703, and veteran business enterprises, as defined in
827 s. 295.187, to compete for medical marijuana treatment center
828 licensure and contracts. Subject to the requirements in
829 subparagraphs (a)2.-4., the department shall issue a license to
830 an applicant if the applicant meets the requirements of this
831 section and pays the initial application fee. The department
832 shall renew the licensure of a medical marijuana treatment
833 center biennially if the licensee meets the requirements of this
834 section and pays the biennial renewal fee. An individual may not
835 be an applicant, owner, officer, board member, or manager on
836 more than one application for licensure as a medical marijuana
837 treatment center. An individual or entity may not be awarded
838 more than one license as a medical marijuana treatment center.
839 An applicant for licensure as a medical marijuana treatment
840 center must demonstrate:

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

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842 application, the applicant has been registered to do business in
843 in the state.

844 2. Possession of a valid certificate of registration issued
845 by the Department of Agriculture and Consumer Services pursuant
846 to s. 581.131.

847 3. The technical and technological ability to cultivate and
848 produce marijuana, including, but not limited to, low-THC
849 cannabis.

850 4. The ability to secure the premises, resources, and
851 personnel necessary to operate as a medical marijuana treatment
852 center.

853 5. The ability to maintain accountability of all raw
854 materials, finished products, and any byproducts to prevent
855 diversion or unlawful access to or possession of these
856 substances.

857 6. An infrastructure reasonably located to dispense
858 marijuana to registered qualified patients statewide or
859 regionally as determined by the department.

860 7. The financial ability to maintain operations for the
861 duration of the 2-year approval cycle, including the provision
862 of certified financial statements to the department.

863 a. Upon approval, the applicant must post a \$5 million
864 performance bond issued by an authorized surety insurance
865 company rated in one of the three highest rating categories by a
866 nationally recognized rating service. However, a medical
867 marijuana treatment center serving at least 1,000 qualified
868 patients is only required to maintain a \$2 million performance
869 bond.

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

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871 subparagraph a., the applicant may provide an irrevocable letter
872 of credit payable to the department or provide cash to the
873 department. If provided with cash under this sub-subparagraph,
874 the department shall deposit the cash with the state treasury
875 for safekeeping. If the deposited funds generate interest, the
876 amount of the interest shall be annually transferred to the
877 department for the administration of this section.

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

880 9. The employment of a medical director to supervise the
881 activities of the medical marijuana treatment center.

882 10. A diversity plan that promotes and ensures the
883 involvement of minority persons and minority business
884 enterprises, as defined in s. 288.703, or veteran business
885 enterprises, as defined in s. 295.187, in ownership, management,
886 and employment. An applicant for licensure renewal must show the
887 effectiveness of the diversity plan by including the following
888 with his or her application for renewal:

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

891 b. Efforts to recruit minority persons and veterans for
892 employment; and

893 c. A record of contracts for services with minority
894 business enterprises and veteran business enterprises.

895 (c) A medical marijuana treatment center may not make a
896 wholesale purchase of marijuana from, or a distribution of
897 marijuana to, another medical marijuana treatment center, unless
898 the medical marijuana treatment center seeking to make a
899 wholesale purchase of marijuana submits proof of harvest failure

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900 to the department.

901 (d) The department shall establish, maintain, and control a
902 computer software tracking system that traces marijuana from
903 seed to sale and allows real-time, 24-hour access by the
904 department to data from all medical marijuana treatment centers
905 and marijuana testing laboratories. The tracking system must
906 allow for integration of other seed-to-sale systems and, at a
907 minimum, include notification of when marijuana seeds are
908 planted, when marijuana plants are harvested and destroyed, and
909 when marijuana is transported, sold, stolen, diverted, or lost.
910 Each medical marijuana treatment center shall use the seed-to-
911 sale tracking system established by the department or integrate
912 its own seed-to-sale tracking system with the seed-to-sale
913 tracking system established by the department. Each medical
914 marijuana treatment center may use its own seed-to-sale system
915 until the department establishes a seed-to-sale tracking system.
916 The department may contract with a vendor to establish the seed-
917 to-sale tracking system. The vendor selected by the department
918 may not have a contractual relationship with the department to
919 perform any services pursuant to this section other than the
920 seed-to-sale tracking system. The vendor may not have a direct
921 or indirect financial interest in a medical marijuana treatment
922 center or a marijuana testing laboratory.

923 (e) A licensed medical marijuana treatment center shall
924 cultivate, process, transport, and dispense marijuana for
925 medical use. A licensed medical marijuana treatment center may
926 not contract for services directly related to the cultivation,
927 processing, and dispensing of marijuana or marijuana delivery
928 devices, except that a medical marijuana treatment center

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929 licensed pursuant to subparagraph (a)1. may contract with a
930 single entity for the cultivation, processing, transporting, and
931 dispensing of marijuana and marijuana delivery devices. A
932 licensed medical marijuana treatment center must, at all times,
933 maintain compliance with the criteria demonstrated and
934 representations made in the initial application and the criteria
935 established in this subsection. Upon request, the department may
936 grant a medical marijuana treatment center a variance from the
937 representations made in the initial application. Consideration
938 of such a request shall be based upon the individual facts and
939 circumstances surrounding the request. A variance may not be
940 granted unless the requesting medical marijuana treatment center
941 can demonstrate to the department that it has a proposed
942 alternative to the specific representation made in its
943 application which fulfills the same or a similar purpose as the
944 specific representation in a way that the department can
945 reasonably determine will not be a lower standard than the
946 specific representation in the application. A variance may not
947 be granted from the requirements in subparagraph 2. and
948 subparagraphs (b)1. and 2.

949 1. A licensed medical marijuana treatment center may
950 transfer ownership to an individual or entity who meets the
951 requirements of this section. A publicly traded corporation or
952 publicly traded company that meets the requirements of this
953 section is not precluded from ownership of a medical marijuana
954 treatment center. To accommodate a change in ownership:

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

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

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

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

972
973 Within 30 days after the receipt of a complete application, the
974 department shall approve or deny the application.

975 2. A medical marijuana treatment center, and any individual
976 or entity who directly or indirectly owns, controls, or holds
977 with power to vote 5 percent or more of the voting shares of a
978 medical marijuana treatment center, may not acquire direct or
979 indirect ownership or control of any voting shares or other form
980 of ownership of any other medical marijuana treatment center.

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

986 4. All employees of a medical marijuana treatment center

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987 must be 21 years of age or older and have passed a background
988 screening pursuant to subsection (9).

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

993 6. When growing marijuana, a medical marijuana treatment
994 center:

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

1000 b. Must grow marijuana within an enclosed structure and in
1001 a room separate from any other plant.

1002 c. Must inspect seeds and growing plants for plant pests
1003 that endanger or threaten the horticultural and agricultural
1004 interests of the state in accordance with chapter 581 and any
1005 rules adopted thereunder.

1006 d. Must perform fumigation or treatment of plants, or
1007 remove and destroy infested or infected plants, in accordance
1008 with chapter 581 and any rules adopted thereunder.

1009 7. Each medical marijuana treatment center must produce and
1010 make available for purchase at least one low-THC cannabis
1011 product.

1012 8. A medical marijuana treatment center that produces
1013 edibles must hold a permit to operate as a food establishment
1014 pursuant to chapter 500, the Florida Food Safety Act, and must
1015 comply with all the requirements for food establishments

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1016 pursuant to chapter 500 and any rules adopted thereunder.
1017 Edibles may not contain more than 200 milligrams of
1018 tetrahydrocannabinol and a single serving portion of an edible
1019 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
1020 may have a potency variance of no greater than 15 percent.
1021 Edibles may not be attractive to children; be manufactured in
1022 the shape of humans, cartoons, or animals; be manufactured in a
1023 form that bears any reasonable resemblance to products available
1024 for consumption as commercially available candy; or contain any
1025 color additives. To discourage consumption of edibles by
1026 children, the department shall determine by rule any shapes,
1027 forms, and ingredients allowed and prohibited for edibles.
1028 Medical marijuana treatment centers may not begin processing or
1029 dispensing edibles until after the effective date of the rule.
1030 The department shall also adopt sanitation rules providing the
1031 standards and requirements for the storage, display, or
1032 dispensing of edibles.

1033 9. When processing marijuana, a medical marijuana treatment
1034 center must:

1035 a. Process the marijuana within an enclosed structure and
1036 in a room separate from other plants or products.

1037 b. Not use a hydrocarbon based solvent, such as butane,
1038 hexane, or propane, to extract or separate resin from marijuana.

1039 c. Test the processed marijuana using a medical marijuana
1040 testing laboratory before it is dispensed. Results must be
1041 verified and signed by two medical marijuana treatment center
1042 employees. Before dispensing, the medical marijuana treatment
1043 center must determine that the test results indicate that low-
1044 THC cannabis meets the definition of low-THC cannabis, the

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1045 concentration of tetrahydrocannabinol meets the potency
1046 requirements of this section, the labeling of the concentration
1047 of tetrahydrocannabinol and cannabidiol is accurate, and all
1048 marijuana is safe for human consumption and free from
1049 contaminants that are unsafe for human consumption. The
1050 department shall determine by rule which contaminants must be
1051 tested for and the maximum levels of each contaminant which are
1052 safe for human consumption. The Department of Agriculture and
1053 Consumer Services shall assist the department in developing the
1054 testing requirements for contaminants that are unsafe for human
1055 consumption in edibles. The department shall also determine by
1056 rule the procedures for the treatment of marijuana that fails to
1057 meet the testing requirements of this section, s. 381.988, or
1058 department rule. The department may select a random sample from
1059 edibles available for purchase in a dispensing facility that
1060 shall be tested by the department to determine that the edible
1061 meets the potency requirements of this section, is safe for
1062 human consumption, and the labeling of the tetrahydrocannabinol
1063 and cannabidiol concentration is accurate. A medical marijuana
1064 treatment center may not require payment from the department for
1065 the sample. A medical marijuana treatment center must recall
1066 edibles, including all edibles made from the same batch of
1067 marijuana, which fail to meet the potency requirements of this
1068 section, which are unsafe for human consumption, or for which
1069 the labeling of the tetrahydrocannabinol and cannabidiol
1070 concentration is inaccurate. The medical marijuana treatment
1071 center must retain records of all testing and samples of each
1072 homogenous batch of marijuana for at least 9 months. The medical
1073 marijuana treatment center must contract with a marijuana

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1074 testing laboratory to perform audits on the medical marijuana
1075 treatment center's standard operating procedures, testing
1076 records, and samples and provide the results to the department
1077 to confirm that the marijuana or low-THC cannabis meets the
1078 requirements of this section and that the marijuana or low-THC
1079 cannabis is safe for human consumption. A medical marijuana
1080 treatment center shall reserve two processed samples from each
1081 batch and retain such samples for at least 9 months for the
1082 purpose of such audits. A medical marijuana treatment center may
1083 use a laboratory that has not been certified by the department
1084 under s. 381.988 until such time as at least one laboratory
1085 holds the required certification, but in no event later than
1086 July 1, 2018.

1087 d. Package the marijuana in compliance with the United
1088 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1089 1471 et seq.

1090 e. Package the marijuana in a receptacle that has a firmly
1091 affixed and legible label stating the following information:

1092 (I) The marijuana or low-THC cannabis meets the
1093 requirements of sub-subparagraph c.

1094 (II) The name of the medical marijuana treatment center
1095 from which the marijuana originates.

1096 (III) The batch number and harvest number from which the
1097 marijuana originates and the date dispensed.

1098 (IV) The name of the physician who issued the physician
1099 certification.

1100 (V) The name of the patient.

1101 (VI) The product name, if applicable, and dosage form,
1102 including concentration of tetrahydrocannabinol and cannabidiol.

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1103 The product name may not contain wording commonly associated
1104 with products marketed by or to children.

1105 (VII) The recommended dose.

1106 (VIII) A warning that it is illegal to transfer medical
1107 marijuana to another person.

1108 (IX) A marijuana universal symbol developed by the
1109 department.

1110 10. The medical marijuana treatment center shall include in
1111 each package a patient package insert with information on the
1112 specific product dispensed related to:

1113 a. Clinical pharmacology.

1114 b. Indications and use.

1115 c. Dosage and administration.

1116 d. Dosage forms and strengths.

1117 e. Contraindications.

1118 f. Warnings and precautions.

1119 g. Adverse reactions.

1120 11. Each edible shall be individually sealed in plain,
1121 opaque wrapping marked only with the marijuana universal symbol.
1122 Where practical, each edible shall be marked with the marijuana
1123 universal symbol. In addition to the packaging and labeling
1124 requirements in subparagraphs 9. and 10., edible receptacles
1125 must be plain, opaque, and white without depictions of the
1126 product or images other than the medical marijuana treatment
1127 center's department-approved logo and the marijuana universal
1128 symbol. The receptacle must also include a list all of the
1129 edible's ingredients, storage instructions, an expiration date,
1130 a legible and prominent warning to keep away from children and
1131 pets, and a warning that the edible has not been produced or

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1132 inspected pursuant to federal food safety laws.

1133 12. When dispensing marijuana or a marijuana delivery
1134 device, a medical marijuana treatment center:

1135 a. May dispense any active, valid order for low-THC
1136 cannabis, medical cannabis and cannabis delivery devices issued
1137 pursuant to former s. 381.986, Florida Statutes 2016, which was
1138 entered into the medical marijuana use registry before July 1,
1139 2017.

1140 b. May not dispense more than a 70-day supply of marijuana
1141 to a qualified patient or caregiver.

1142 c. Must have the medical marijuana treatment center's
1143 employee who dispenses the marijuana or a marijuana delivery
1144 device enter into the medical marijuana use registry his or her
1145 name or unique employee identifier.

1146 d. Must verify that the qualified patient and the
1147 caregiver, if applicable, each has an active registration in the
1148 medical marijuana use registry and an active and valid medical
1149 marijuana use registry identification card, the amount and type
1150 of marijuana dispensed matches the physician certification in
1151 the medical marijuana use registry for that qualified patient,
1152 and the physician certification has not already been filled.

1153 e. May not dispense marijuana to a qualified patient who is
1154 younger than 18 years of age. If the qualified patient is
1155 younger than 18 years of age, marijuana may only be dispensed to
1156 the qualified patient's caregiver.

1157 f. May not dispense or sell any other type of cannabis,
1158 alcohol, or illicit drug-related product, including pipes,
1159 bongs, or wrapping papers, other than a marijuana delivery
1160 device required for the medical use of marijuana and which is

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1161 specified in a physician certification.

1162 g. Must, upon dispensing the marijuana or marijuana
1163 delivery device, record in the registry the date, time,
1164 quantity, and form of marijuana dispensed; the type of marijuana
1165 delivery device dispensed; and the name and medical marijuana
1166 use registry identification number of the qualified patient or
1167 caregiver to whom the marijuana delivery device was dispensed.

1168 h. Must ensure that patient records are not visible to
1169 anyone other than the qualified patient, his or her caregiver,
1170 and authorized medical marijuana treatment center employees.

1171 (f) To ensure the safety and security of premises where the
1172 cultivation, processing, storing, or dispensing of marijuana
1173 occurs, and to maintain adequate controls against the diversion,
1174 theft, and loss of marijuana or marijuana delivery devices, a
1175 medical marijuana treatment center shall:

1176 1.a. Maintain a fully operational security alarm system
1177 that secures all entry points and perimeter windows and is
1178 equipped with motion detectors; pressure switches; and duress,
1179 panic, and hold-up alarms; and

1180 b. Maintain a video surveillance system that records
1181 continuously 24 hours a day and meets the following criteria:

1182 (I) Cameras are fixed in a place that allows for the clear
1183 identification of persons and activities in controlled areas of
1184 the premises. Controlled areas include grow rooms, processing
1185 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1186 rooms.

1187 (II) Cameras are fixed in entrances and exits to the
1188 premises, which shall record from both indoor and outdoor, or
1189 ingress and egress, vantage points.

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1190 (III) Recorded images must clearly and accurately display
1191 the time and date.

1192 (IV) Retain video surveillance recordings for at least 45
1193 days or longer upon the request of a law enforcement agency.

1194 2. Ensure that the medical marijuana treatment center's
1195 outdoor premises have sufficient lighting from dusk until dawn.

1196 3. Ensure that the indoor premises where dispensing occurs
1197 includes a waiting area with sufficient space and seating to
1198 accommodate qualified patients and caregivers and at least one
1199 private consultation area that is isolated from the waiting area
1200 and area where dispensing occurs. A medical marijuana treatment
1201 center may not display products or dispense marijuana or
1202 marijuana delivery devices in the waiting area.

1203 4. Not dispense from its premises marijuana or a marijuana
1204 delivery device between the hours of 9 p.m. and 7 a.m., but may
1205 perform all other operations and deliver marijuana to qualified
1206 patients 24 hours a day.

1207 5. Store marijuana in a secured, locked room or a vault.

1208 6. Require at least two of its employees, or two employees
1209 of a security agency with whom it contracts, to be on the
1210 premises at all times where cultivation, processing, or storing
1211 of marijuana occurs.

1212 7. Require each employee or contractor to wear a photo
1213 identification badge at all times while on the premises.

1214 8. Require each visitor to wear a visitor pass at all times
1215 while on the premises.

1216 9. Implement an alcohol and drug-free workplace policy.

1217 10. Report to local law enforcement within 24 hours after
1218 the medical marijuana treatment center is notified or becomes

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1219 aware of the theft, diversion, or loss of marijuana.

1220 (g) To ensure the safe transport of marijuana and marijuana
1221 delivery devices to medical marijuana treatment centers,
1222 marijuana testing laboratories, or qualified patients, a medical
1223 marijuana treatment center must:

1224 1. Maintain a marijuana transportation manifest in any
1225 vehicle transporting marijuana. The marijuana transportation
1226 manifest must be generated from a medical marijuana treatment
1227 center's seed-to-sale tracking system and include the:

1228 a. Departure date and approximate time of departure.

1229 b. Name, location address, and license number of the
1230 originating medical marijuana treatment center.

1231 c. Name and address of the recipient of the delivery.

1232 d. Quantity and form of any marijuana or marijuana delivery
1233 device being transported.

1234 e. Arrival date and estimated time of arrival.

1235 f. Delivery vehicle make and model and license plate
1236 number.

1237 g. Name and signature of the medical marijuana treatment
1238 center employees delivering the product.

1239 (I) A copy of the marijuana transportation manifest must be
1240 provided to each individual, medical marijuana treatment center,
1241 or marijuana testing laboratory that receives a delivery. The
1242 individual, or a representative of the center or laboratory,
1243 must sign a copy of the marijuana transportation manifest
1244 acknowledging receipt.

1245 (II) An individual transporting marijuana or a marijuana
1246 delivery device must present a copy of the relevant marijuana
1247 transportation manifest and his or her employee identification

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1248 card to a law enforcement officer upon request.

1249 (III) Medical marijuana treatment centers and marijuana
1250 testing laboratories must retain copies of all marijuana
1251 transportation manifests for at least 3 years.

1252 2. Ensure only vehicles in good working order are used to
1253 transport marijuana.

1254 3. Lock marijuana and marijuana delivery devices in a
1255 separate compartment or container within the vehicle.

1256 4. Require employees to have possession of their employee
1257 identification card at all times when transporting marijuana or
1258 marijuana delivery devices.

1259 5. Require at least two persons to be in a vehicle
1260 transporting marijuana or marijuana delivery devices, and
1261 require at least one person to remain in the vehicle while the
1262 marijuana or marijuana delivery device is being delivered.

1263 6. Provide specific safety and security training to
1264 employees transporting or delivering marijuana and marijuana
1265 delivery devices.

1266 (h) A medical marijuana treatment center may not engage in
1267 advertising that is visible to members of the public from any
1268 street, sidewalk, park, or other public place, except:

1269 1. The dispensing location of a medical marijuana treatment
1270 center may have a sign that is affixed to the outside or hanging
1271 in the window of the premises which identifies the dispensary by
1272 the licensee's business name, a department-approved trade name,
1273 or a department-approved logo. A medical marijuana treatment
1274 center's trade name and logo may not contain wording or images
1275 commonly associated with marketing targeted toward children or
1276 which promote recreational use of marijuana.

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1277 2. A medical marijuana treatment center may engage in
1278 Internet advertising and marketing under the following
1279 conditions:

1280 a. All advertisements must be approved by the department.

1281 b. An advertisement may not have any content that
1282 specifically targets individuals under the age of 18, including
1283 cartoon characters or similar images.

1284 c. An advertisement may not be an unsolicited pop-up
1285 advertisement.

1286 d. Opt-in marketing must include an easy and permanent opt-
1287 out feature.

1288 (i) Each medical marijuana treatment center that dispenses
1289 marijuana and marijuana delivery devices shall make available to
1290 the public on its website:

1291 1. Each marijuana and low-THC product available for
1292 purchase, including the form, strain of marijuana from which it
1293 was extracted, cannabidiol content, tetrahydrocannabinol
1294 content, dose unit, total number of doses available, and the
1295 ratio of cannabidiol to tetrahydrocannabinol for each product.

1296 2. The price for a 30-day, 50-day, and 70-day supply at a
1297 standard dose for each marijuana and low-THC product available
1298 for purchase.

1299 3. The price for each marijuana delivery device available
1300 for purchase.

1301 4. If applicable, any discount policies and eligibility
1302 criteria for such discounts.

1303 (j) Medical marijuana treatment centers are the sole source
1304 from which a qualified patient may legally obtain marijuana.

1305 (k) The department may adopt rules pursuant to ss.

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1306 120.536(1) and 120.54 to implement this subsection.

1307 (9) BACKGROUND SCREENING.-An individual required to undergo
1308 a background screening pursuant to this section must pass a
1309 level 2 background screening as provided under chapter 435,
1310 which, in addition to the disqualifying offenses provided in s.
1311 435.04, shall exclude an individual who has an arrest awaiting
1312 final disposition for, has been found guilty of, regardless of
1313 adjudication, or has entered a plea of nolo contendere or guilty
1314 to an offense under chapter 837, chapter 895, or chapter 896 or
1315 similar law of another jurisdiction.

1316 (a) Such individual must submit a full set of fingerprints
1317 to the department or to a vendor, entity, or agency authorized
1318 by s. 943.053(13). The department, vendor, entity, or agency
1319 shall forward the fingerprints to the Department of Law
1320 Enforcement for state processing, and the Department of Law
1321 Enforcement shall forward the fingerprints to the Federal Bureau
1322 of Investigation for national processing.

1323 (b) Fees for state and federal fingerprint processing and
1324 retention shall be borne by the individual. The state cost for
1325 fingerprint processing shall be as provided in s. 943.053(3)(e)
1326 for records provided to persons or entities other than those
1327 specified as exceptions therein.

1328 (c) Fingerprints submitted to the Department of Law
1329 Enforcement pursuant to this subsection shall be retained by the
1330 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1331 (h) and, when the Department of Law Enforcement begins
1332 participation in the program, enrolled in the Federal Bureau of
1333 Investigation's national retained print arrest notification
1334 program. Any arrest record identified shall be reported to the

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1335 department.

1336 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1337 ADMINISTRATIVE ACTIONS.-

1338 (a) The department shall conduct announced or unannounced
1339 inspections of medical marijuana treatment centers to determine
1340 compliance with this section or rules adopted pursuant to this
1341 section.

1342 (b) The department shall inspect a medical marijuana
1343 treatment center upon receiving a complaint or notice that the
1344 medical marijuana treatment center has dispensed marijuana
1345 containing mold, bacteria, or other contaminant that may cause
1346 or has caused an adverse effect to human health or the
1347 environment.

1348 (c) The department shall conduct at least a biennial
1349 inspection of each medical marijuana treatment center to
1350 evaluate the medical marijuana treatment center's records,
1351 personnel, equipment, processes, security measures, sanitation
1352 practices, and quality assurance practices.

1353 (d) The Department of Agriculture and Consumer Services and
1354 the department shall enter into an interagency agreement to
1355 ensure cooperation and coordination in the performance of their
1356 obligations under this section and their respective regulatory
1357 and authorizing laws. The department, the Department of Highway
1358 Safety and Motor Vehicles, and the Department of Law Enforcement
1359 may enter into interagency agreements for the purposes specified
1360 in this subsection or subsection (7).

1361 (e) The department shall publish a list of all approved
1362 medical marijuana treatment centers, medical directors, and
1363 qualified physicians on its website.

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1364 (f) The department may impose reasonable fines not to
1365 exceed \$10,000 on a medical marijuana treatment center for any
1366 of the following violations:

1367 1. Violating this section or department rule.

1368 2. Failing to maintain qualifications for approval.

1369 3. Endangering the health, safety, or security of a
1370 qualified patient.

1371 4. Improperly disclosing personal and confidential
1372 information of the qualified patient.

1373 5. Attempting to procure medical marijuana treatment center
1374 approval by bribery, fraudulent misrepresentation, or extortion.

1375 6. Being convicted or found guilty of, or entering a plea
1376 of guilty or nolo contendere to, regardless of adjudication, a
1377 crime in any jurisdiction which directly relates to the business
1378 of a medical marijuana treatment center.

1379 7. Making or filing a report or record that the medical
1380 marijuana treatment center knows to be false.

1381 8. Willfully failing to maintain a record required by this
1382 section or department rule.

1383 9. Willfully impeding or obstructing an employee or agent
1384 of the department in the furtherance of his or her official
1385 duties.

1386 10. Engaging in fraud or deceit, negligence, incompetence,
1387 or misconduct in the business practices of a medical marijuana
1388 treatment center.

1389 11. Making misleading, deceptive, or fraudulent
1390 representations in or related to the business practices of a
1391 medical marijuana treatment center.

1392 12. Having a license or the authority to engage in any

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1393 regulated profession, occupation, or business that is related to
1394 the business practices of a medical marijuana treatment center
1395 suspended, revoked, or otherwise acted against by the licensing
1396 authority of any jurisdiction, including its agencies or
1397 subdivisions, for a violation that would constitute a violation
1398 under Florida law.

1399 13. Violating a lawful order of the department or an agency
1400 of the state, or failing to comply with a lawfully issued
1401 subpoena of the department or an agency of the state.

1402 (g) The department may suspend, revoke, or refuse to renew
1403 a medical marijuana treatment center license if the medical
1404 marijuana treatment center commits any of the violations in
1405 paragraph (f).

1406 (h) The department may adopt rules pursuant to ss.
1407 120.536(1) and 120.54 to implement this subsection.

1408 (11) PREEMPTION.—Regulation of cultivation, processing, and
1409 delivery of marijuana by medical marijuana treatment centers is
1410 preempted to the state except as provided in this subsection.

1411 (a) A medical marijuana treatment center cultivating or
1412 processing facility may not be located within 500 feet of the
1413 real property that comprises a public or private elementary
1414 school, middle school, or secondary school.

1415 (b)1. A county or municipality may, by ordinance, ban
1416 medical marijuana treatment center dispensing facilities from
1417 being located within the boundaries of that county or
1418 municipality. A county or municipality that does not ban
1419 dispensing facilities under this subparagraph may not place
1420 specific limits, by ordinance, on the number of dispensing
1421 facilities that may locate within that county or municipality.

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1422 2. A municipality may determine by ordinance the criteria
1423 for the location of, and other permitting requirements that do
1424 not conflict with state law or department rule for, medical
1425 marijuana treatment center dispensing facilities located within
1426 the boundaries of that municipality. A county may determine by
1427 ordinance the criteria for the location of, and other permitting
1428 requirements that do not conflict with state law or department
1429 rule for, all such dispensing facilities located within the
1430 unincorporated areas of that county. Except as provided in
1431 paragraph (c), a county or municipality may not enact ordinances
1432 for permitting or for determining the location of dispensing
1433 facilities which are more restrictive than its ordinances
1434 permitting or determining the locations for pharmacies licensed
1435 under chapter 465. A municipality or county may not charge a
1436 medical marijuana treatment center a license or permit fee in an
1437 amount greater than the fee charged by such municipality or
1438 county to pharmacies. A dispensing facility location approved by
1439 a municipality or county pursuant to former s. 381.986(8)(b),
1440 Florida Statutes 2016, is not subject to the location
1441 requirements of this subsection.

1442 (c) A medical marijuana treatment center dispensing
1443 facility may not be located within 500 feet of the real property
1444 that comprises a public or private elementary school, middle
1445 school, or secondary school unless the county or municipality
1446 approves the location through a formal proceeding open to the
1447 public at which the county or municipality determines that the
1448 location promotes the public health, safety, and general welfare
1449 of the community.

1450 (d) This subsection does not prohibit any local

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1451 jurisdiction from ensuring medical marijuana treatment center
1452 facilities comply with the Florida Building Code, the Florida
1453 Fire Prevention Code, or any local amendments to the Florida
1454 Building Code or the Florida Fire Prevention Code.

1455 (12) PENALTIES.—

1456 (a) A qualified physician commits a misdemeanor of the
1457 first degree, punishable as provided in s. 775.082 or s.
1458 775.083, if the qualified physician issues a physician
1459 certification for the medical use of marijuana for a patient
1460 without a reasonable belief that the patient is suffering from a
1461 qualifying medical condition.

1462 (b) A person who fraudulently represents that he or she has
1463 a qualifying medical condition to a qualified physician for the
1464 purpose of being issued a physician certification commits a
1465 misdemeanor of the first degree, punishable as provided in s.
1466 775.082 or s. 775.083.

1467 (c) A qualified patient who uses marijuana, not including
1468 low-THC cannabis, or a caregiver who administers marijuana, not
1469 including low-THC cannabis, in plain view of or in a place open
1470 to the general public; in a school bus, a vehicle, an aircraft,
1471 or a boat; or on the grounds of a school except as provided in
1472 s. 1006.062, commits a misdemeanor of the first degree,
1473 punishable as provided in s. 775.082 or s. 775.083.

1474 (d) A qualified patient or caregiver who cultivates
1475 marijuana or who purchases or acquires marijuana from any person
1476 or entity other than a medical marijuana treatment center
1477 violates s. 893.13 and is subject to the penalties provided
1478 therein.

1479 (e)1. A qualified patient or caregiver in possession of

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1480 marijuana or a marijuana delivery device who fails or refuses to
1481 present his or her marijuana use registry identification card
1482 upon the request of a law enforcement officer commits a
1483 misdemeanor of the second degree, punishable as provided in s.
1484 775.082 or s. 775.083, unless it can be determined through the
1485 medical marijuana use registry that the person is authorized to
1486 be in possession of that marijuana or marijuana delivery device.

1487 2. A person charged with a violation of this paragraph may
1488 not be convicted if, before or at the time of his or her court
1489 or hearing appearance, the person produces in court or to the
1490 clerk of the court in which the charge is pending a medical
1491 marijuana use registry identification card issued to him or her
1492 which is valid at the time of his or her arrest. The clerk of
1493 the court is authorized to dismiss such case at any time before
1494 the defendant's appearance in court. The clerk of the court may
1495 assess a fee of \$5 for dismissing the case under this paragraph.

1496 (f) A caregiver who violates any of the applicable
1497 provisions of this section or applicable department rules, for
1498 the first offense, commits a misdemeanor of the second degree,
1499 punishable as provided in s. 775.082 or s. 775.083 and, for a
1500 second or subsequent offense, commits a misdemeanor of the first
1501 degree, punishable as provided in s. 775.082 or s. 775.083.

1502 (g) A qualified physician who issues a physician
1503 certification for marijuana or a marijuana delivery device and
1504 receives compensation from a medical marijuana treatment center
1505 related to the issuance of a physician certification for
1506 marijuana or a marijuana delivery device is subject to
1507 disciplinary action under the applicable practice act and s.
1508 456.072 (1) (n).

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1509 (h) A person transporting marijuana or marijuana delivery
1510 devices on behalf of a medical marijuana treatment center or
1511 marijuana testing laboratory who fails or refuses to present a
1512 transportation manifest upon the request of a law enforcement
1513 officer commits a misdemeanor of the second degree, punishable
1514 as provided in s. 775.082 or s. 775.083.

1515 (i) Persons and entities conducting activities authorized
1516 and governed by this section and s. 381.988 are subject to ss.
1517 456.053, 456.054, and 817.505, as applicable.

1518 (j) A person or entity that cultivates, processes,
1519 distributes, sells, or dispenses marijuana, as defined in s.
1520 29(b)(4), Art. X of the State Constitution, and is not licensed
1521 as a medical marijuana treatment center violates s. 893.13 and
1522 is subject to the penalties provided therein.

1523 (k) A person who manufactures, distributes, sells, gives,
1524 or possesses with the intent to manufacture, distribute, sell,
1525 or give marijuana or a marijuana delivery device that he or she
1526 holds out to have originated from a licensed medical marijuana
1527 treatment center but that is counterfeit commits a felony of the
1528 third degree, punishable as provided in s. 775.082, s. 775.083,
1529 or s. 775.084. For the purposes of this paragraph, the term
1530 "counterfeit" means marijuana; a marijuana delivery device; or a
1531 marijuana or marijuana delivery device container, seal, or label
1532 which, without authorization, bears the trademark, trade name,
1533 or other identifying mark, imprint, or device, or any likeness
1534 thereof, of a licensed medical marijuana treatment center and
1535 which thereby falsely purports or is represented to be the
1536 product of, or to have been distributed by, that licensed
1537 medical marijuana treatment facility.

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1538 (1) Any person who possesses or manufactures a blank,
1539 forged, stolen, fictitious, fraudulent, counterfeit, or
1540 otherwise unlawfully issued medical marijuana use registry
1541 identification card commits a felony of the third degree,
1542 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1543 (13) UNLICENSED ACTIVITY.—

1544 (a) If the department has probable cause to believe that a
1545 person or entity that is not registered or licensed with the
1546 department has violated this section, s. 381.988, or any rule
1547 adopted pursuant to this section, the department may issue and
1548 deliver to such person or entity a notice to cease and desist
1549 from such violation. The department also may issue and deliver a
1550 notice to cease and desist to any person or entity who aids and
1551 abets such unlicensed activity. The issuance of a notice to
1552 cease and desist does not constitute agency action for which a
1553 hearing under s. 120.569 or s. 120.57 may be sought. For the
1554 purpose of enforcing a cease and desist order, the department
1555 may file a proceeding in the name of the state seeking issuance
1556 of an injunction or a writ of mandamus against any person or
1557 entity who violates any provisions of such order.

1558 (b) In addition to the remedies under paragraph (a), the
1559 department may impose by citation an administrative penalty not
1560 to exceed \$5,000 per incident. The citation shall be issued to
1561 the subject and must contain the subject's name and any other
1562 information the department determines to be necessary to
1563 identify the subject, a brief factual statement, the sections of
1564 the law allegedly violated, and the penalty imposed. If the
1565 subject does not dispute the matter in the citation with the
1566 department within 30 days after the citation is served, the

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1567 citation shall become a final order of the department. The
1568 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1569 to implement this section. Each day that the unlicensed activity
1570 continues after issuance of a notice to cease and desist
1571 constitutes a separate violation. The department shall be
1572 entitled to recover the costs of investigation and prosecution
1573 in addition to the fine levied pursuant to the citation. Service
1574 of a citation may be made by personal service or by mail to the
1575 subject at the subject's last known address or place of
1576 practice. If the department is required to seek enforcement of
1577 the cease and desist or agency order, it shall be entitled to
1578 collect attorney fees and costs.

1579 (c) In addition to or in lieu of any other administrative
1580 remedy, the department may seek the imposition of a civil
1581 penalty through the circuit court for any violation for which
1582 the department may issue a notice to cease and desist. The civil
1583 penalty shall be no less than \$5,000 and no more than \$10,000
1584 for each offense. The court may also award to the prevailing
1585 party court costs and reasonable attorney fees and, in the event
1586 the department prevails, may also award reasonable costs of
1587 investigation and prosecution.

1588 (d) In addition to the other remedies provided in this
1589 section, the department or any state attorney may bring an
1590 action for an injunction to restrain any unlicensed activity or
1591 to enjoin the future operation or maintenance of the unlicensed
1592 activity or the performance of any service in violation of this
1593 section.

1594 (e) The department must notify local law enforcement of
1595 such unlicensed activity for a determination of any criminal

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1596 violation of chapter 893.

1597 (14) EXCEPTIONS TO OTHER LAWS.—

1598 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1599 any other provision of law, but subject to the requirements of
1600 this section, a qualified patient and the qualified patient's
1601 caregiver may purchase from a medical marijuana treatment center
1602 for the patient's medical use a marijuana delivery device and up
1603 to the amount of marijuana authorized in the physician
1604 certification, but may not possess more than a 70-day supply of
1605 marijuana at any given time and all marijuana purchased must
1606 remain in its original packaging.

1607 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1608 any other provision of law, but subject to the requirements of
1609 this section, an approved medical marijuana treatment center and
1610 its owners, managers, and employees may manufacture, possess,
1611 sell, deliver, distribute, dispense, and lawfully dispose of
1612 marijuana or a marijuana delivery device as provided in this
1613 section, s. 381.988, and by department rule. For the purposes of
1614 this subsection, the terms "manufacture," "possession,"
1615 "deliver," "distribute," and "dispense" have the same meanings
1616 as provided in s. 893.02.

1617 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1618 any other provision of law, but subject to the requirements of
1619 this section, a certified marijuana testing laboratory,
1620 including an employee of a certified marijuana testing
1621 laboratory acting within the scope of his or her employment, may
1622 acquire, possess, test, transport, and lawfully dispose of
1623 marijuana as provided in this section, in s. 381.988, and by
1624 department rule.

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1625 (d) A licensed medical marijuana treatment center and its
1626 owners, managers, and employees are not subject to licensure or
1627 regulation under chapter 465 or chapter 499 for manufacturing,
1628 possessing, selling, delivering, distributing, dispensing, or
1629 lawfully disposing of marijuana or a marijuana delivery device,
1630 as provided in this section, s. 381.988, and by department rule.

1631 (e) This subsection does not exempt a person from
1632 prosecution for a criminal offense related to impairment or
1633 intoxication resulting from the medical use of marijuana or
1634 relieve a person from any requirement under law to submit to a
1635 breath, blood, urine, or other test to detect the presence of a
1636 controlled substance.

1637 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1638 any other provision of law, but subject to the requirements of
1639 this section and pursuant to policies and procedures established
1640 pursuant to s. 1006.62(8), school personnel may possess
1641 marijuana that is obtained for medical use pursuant to this
1642 section by a student who is a qualified patient.

1643 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1644 any other provision of law, but subject to the requirements of
1645 this section, a research institute established by a public
1646 postsecondary educational institution, such as the H. Lee
1647 Moffitt Cancer Center and Research Institute, Inc., established
1648 under s. 1004.43, or a state university that has achieved the
1649 preeminent state research university designation under s.
1650 1001.7065 may possess, test, transport, and lawfully dispose of
1651 marijuana for research purposes as provided by this section.

1652 (15) APPLICABILITY.—This section does not limit the ability
1653 of an employer to establish, continue, or enforce a drug-free

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1654 workplace program or policy. This section does not require an
1655 employer to accommodate the medical use of marijuana in any
1656 workplace or any employee working while under the influence of
1657 marijuana. This section does not create a cause of action
1658 against an employer for wrongful discharge or discrimination.
1659 Marijuana, as defined in this section, is not reimbursable under
1660 chapter 440.

1661 (16) FINES AND FEES.—Fines and fees collected by the
1662 department under this section shall be deposited in the Grants
1663 and Donations Trust Fund within the Department of Health.

1664 Section 4. Paragraph (uu) is added to subsection (1) of
1665 section 458.331, Florida Statutes, to read:

1666 458.331 Grounds for disciplinary action; action by the
1667 board and department.—

1668 (1) The following acts constitute grounds for denial of a
1669 license or disciplinary action, as specified in s. 456.072(2):

1670 (uu) Issuing a physician certification, as defined in s.
1671 381.986, in a manner out of compliance with the requirements of
1672 that section and rules adopted thereunder.

1673 Section 5. Paragraph (ww) is added to subsection (1) of
1674 section 459.015, Florida Statutes, to read:

1675 459.015 Grounds for disciplinary action; action by the
1676 board and department.—

1677 (1) The following acts constitute grounds for denial of a
1678 license or disciplinary action, as specified in s. 456.072(2):

1679 (ww) Issuing a physician certification, as defined in s.
1680 381.986, in a manner not in compliance with the requirements of
1681 that section and rules adopted thereunder.

1682 Section 6. Section 381.988, Florida Statutes, is created to

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1683 read:

1684 381.988 Medical marijuana testing laboratories; marijuana
1685 tests conducted by a certified laboratory.-

1686 (1) A person or entity seeking to be a certified marijuana
1687 testing laboratory must:

1688 (a) Not be owned or controlled by a medical marijuana
1689 treatment center.

1690 (b) Submit a completed application accompanied by an
1691 application fee, as established by department rule.

1692 (c) Submit proof of an accreditation or a certification
1693 approved by the department issued by an accreditation or a
1694 certification organization approved by the department. The
1695 department shall adopt by rule a list of approved laboratory
1696 accreditations or certifications and accreditation or
1697 certification organizations.

1698 (d) Require all owners and managers to submit to and pass a
1699 level 2 background screening pursuant to s. 435.04 and shall
1700 deny certification if the person or entity has been found guilty
1701 of, or has entered a plea of guilty or nolo contendere to,
1702 regardless of adjudication, any offense listed in chapter 837,
1703 chapter 895, or chapter 896 or similar law of another
1704 jurisdiction.

1705 1. Such owners and managers must submit a full set of
1706 fingerprints to the department or to a vendor, entity, or agency
1707 authorized by s. 943.053(13). The department, vendor, entity, or
1708 agency shall forward the fingerprints to the Department of Law
1709 Enforcement for state processing, and the Department of Law
1710 Enforcement shall forward the fingerprints to the Federal Bureau
1711 of Investigation for national processing.

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1712 2. Fees for state and federal fingerprint processing and
1713 retention shall be borne by such owners or managers. The state
1714 cost for fingerprint processing shall be as provided in s.
1715 943.053(3)(e) for records provided to persons or entities other
1716 than those specified as exceptions therein.

1717 3. Fingerprints submitted to the Department of Law
1718 Enforcement pursuant to this paragraph shall be retained by the
1719 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1720 (h) and, when the Department of Law Enforcement begins
1721 participation in the program, enrolled in the Federal Bureau of
1722 Investigation's national retained print arrest notification
1723 program. Any arrest record identified shall be reported to the
1724 department.

1725 (e) Demonstrate to the department the capability of meeting
1726 the standards for certification required by this subsection, and
1727 the testing requirements of s. 381.986 and this section and
1728 rules adopted thereunder.

1729 (2) The department shall adopt rules pursuant to ss.
1730 120.536(1) and 120.54 establishing a procedure for initial
1731 certification and biennial renewal, including initial
1732 application and biennial renewal fees sufficient to cover the
1733 costs of administering this certification program. The
1734 department shall renew the certification biennially if the
1735 laboratory meets the requirements of this section and pays the
1736 biennial renewal fee.

1737 (3) The department shall adopt rules pursuant to ss.
1738 120.536(1) and 120.54 establishing the standards for
1739 certification of marijuana testing laboratories under this
1740 section. The Department of Agriculture and Consumer Services and

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1741 the Department of Environmental Protection shall assist the
1742 department in developing the rule, which must include, but is
1743 not limited to:

1744 (a) Security standards.

1745 (b) Minimum standards for personnel.

1746 (c) Sample collection method and process standards.

1747 (d) Proficiency testing for tetrahydrocannabinol potency,
1748 concentration of cannabidiol, and contaminants unsafe for human
1749 consumption, as determined by department rule.

1750 (e) Reporting content, format, and frequency.

1751 (f) Audits and onsite inspections.

1752 (g) Quality assurance.

1753 (h) Equipment and methodology.

1754 (i) Chain of custody.

1755 (j) Any other standard the department deems necessary to
1756 ensure the health and safety of the public.

1757 (4) A marijuana testing laboratory may acquire marijuana
1758 only from a medical marijuana treatment center. A marijuana
1759 testing laboratory is prohibited from selling, distributing, or
1760 transferring marijuana received from a marijuana treatment
1761 center, except that a marijuana testing laboratory may transfer
1762 a sample to another marijuana testing laboratory in this state.

1763 (5) A marijuana testing laboratory must properly dispose of
1764 all samples it receives, unless transferred to another marijuana
1765 testing laboratory, after all necessary tests have been
1766 conducted and any required period of storage has elapsed, as
1767 established by department rule.

1768 (6) A marijuana testing laboratory shall use the computer
1769 software tracking system selected by the department under s.

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1770 381.986.

1771 (7) The following acts constitute grounds for which
1772 disciplinary action specified in subsection (8) may be taken
1773 against a certified marijuana testing laboratory:

1774 (a) Permitting unauthorized persons to perform technical
1775 procedures or issue reports.

1776 (b) Demonstrating incompetence or making consistent errors
1777 in the performance of testing or erroneous reporting.

1778 (c) Performing a test and rendering a report thereon to a
1779 person or entity not authorized by law to receive such services.

1780 (d) Failing to file any report required under this section
1781 or s. 381.986 or the rules adopted thereunder.

1782 (e) Reporting a test result if the test was not performed.

1783 (f) Failing to correct deficiencies within the time
1784 required by the department.

1785 (g) Violating or aiding and abetting in the violation of
1786 any provision of s. 381.986 or this section or any rules adopted
1787 thereunder.

1788 (8) The department may refuse to issue or renew, or may
1789 suspend or revoke, the certification of a marijuana testing
1790 laboratory that is found to be in violation of this section or
1791 any rules adopted hereunder. The department may impose fines for
1792 violations of this section or rules adopted thereunder, based on
1793 a schedule adopted in rule. In determining the administrative
1794 action to be imposed for a violation, the department must
1795 consider the following factors:

1796 (a) The severity of the violation, including the
1797 probability of death or serious harm to the health or safety of
1798 any person that may result or has resulted; the severity or

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1799 potential harm; and the extent to which s. 381.986 or this
 1800 section were violated.

1801 (b) The actions taken by the marijuana testing laboratory
 1802 to correct the violation or to remedy the complaint.

1803 (c) Any previous violation by the marijuana testing
 1804 laboratory.

1805 (d) The financial benefit to the marijuana testing
 1806 laboratory of committing or continuing the violation.

1807 (9) The department may adopt rules pursuant to ss.
 1808 120.536(1) and 120.54 to implement this section.

1809 (10) Fees collected by the department under this section
 1810 shall be deposited in the Grants and Donations Trust Fund within
 1811 the Department of Health.

1812 Section 7. Section 381.989, Florida Statutes, is created to
 1813 read:

1814 381.989 Public education campaigns.—

1815 (1) DEFINITIONS.—As used in this section, the term:

1816 (a) "Cannabis" has the same meaning as in s. 893.02.

1817 (b) "Department" means the Department of Health.

1818 (c) "Marijuana" has the same meaning as in s. 381.986.

1819 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
 1820 USE PREVENTION CAMPAIGN.—

1821 (a) The department shall implement a statewide cannabis and
 1822 marijuana education and illicit use prevention campaign to
 1823 publicize accurate information regarding:

1824 1. The legal requirements for licit use and possession of
 1825 marijuana in this state.

1826 2. Safe use of marijuana, including preventing access by
 1827 persons other than qualified patients as defined in s. 381.986,

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1828 particularly children.

1829 3. The short-term and long-term health effects of cannabis
1830 and marijuana use, particularly on minors and young adults.

1831 4. Other cannabis-related and marijuana-related education
1832 determined by the department to be necessary to the public
1833 health and safety.

1834 (b) The department shall provide educational materials
1835 regarding the eligibility for medical use of marijuana by
1836 individuals diagnosed with a terminal condition to individuals
1837 that provide palliative care or hospice services.

1838 (c) The department may use television messaging, radio
1839 broadcasts, print media, digital strategies, social media, and
1840 any other form of messaging deemed necessary and appropriate by
1841 the department to implement the campaign. The department may
1842 work with school districts, community organizations, and
1843 businesses and business organizations and other entities to
1844 provide training and programming.

1845 (d) The department may contract with one or more vendors to
1846 implement the campaign.

1847 (e) The department shall contract with an independent
1848 entity to conduct annual evaluations of the campaign. The
1849 evaluations shall assess the reach and impact of the campaign,
1850 success in educating the citizens of the state regarding the
1851 legal parameters for marijuana use, success in preventing
1852 illicit access by adults and youth, and success in preventing
1853 negative health impacts from the legalization of marijuana. The
1854 first year of the program, the evaluator shall conduct surveys
1855 to establish baseline data on youth and adult cannabis use, the
1856 attitudes of youth and the general public toward cannabis and

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1857 marijuana, and any other data deemed necessary for long-term
1858 analysis. By January 31 of each year, the department shall
1859 submit to the Governor, the President of the Senate, and the
1860 Speaker of the House of Representatives the annual evaluation of
1861 the campaign.

1862 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1863 (a) The Department of Highway Safety and Motor Vehicles
1864 shall implement a statewide impaired driving education campaign
1865 to raise awareness and prevent marijuana-related and cannabis-
1866 related impaired driving and may contract with one or more
1867 vendors to implement the campaign. The Department of Highway
1868 Safety and Motor Vehicles may use television messaging, radio
1869 broadcasts, print media, digital strategies, social media, and
1870 any other form of messaging deemed necessary and appropriate by
1871 the department to implement the campaign.

1872 (b) At a minimum, the Department of Highway Safety and
1873 Motor Vehicles or a contracted vendor shall establish baseline
1874 data on the number of marijuana-related citations for driving
1875 under the influence, marijuana-related traffic arrests,
1876 marijuana-related traffic accidents, and marijuana-related
1877 traffic fatalities, and shall track these measures annually
1878 thereafter. The Department of Highway Safety and Motor Vehicles
1879 or a contracted vendor shall annually evaluate and compile a
1880 report on the efficacy of the campaign based on those measures
1881 and other measures established by the Department of Highway
1882 Safety and Motor Vehicles. By January 31 of each year, the
1883 Department of Highway Safety and Motor Vehicles shall submit the
1884 report on the evaluation of the campaign to the Governor, the
1885 President of the Senate, and the Speaker of the House of

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1886 Representatives.

1887 Section 8. Subsection (1) of section 385.211, Florida
1888 Statutes, is amended to read:

1889 385.211 Refractory and intractable epilepsy treatment and
1890 research at recognized medical centers.—

1891 (1) As used in this section, the term “low-THC cannabis”
1892 means “low-THC cannabis” as defined in s. 381.986 that is
1893 dispensed only from a dispensing organization as defined in
1894 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1895 treatment center as defined in s. 381.986.

1896 Section 9. Paragraphs (b) through (e) of subsection (2) of
1897 section 499.0295, Florida Statutes, are redesignated as
1898 paragraphs (a) through (d), respectively, and present paragraphs
1899 (a) and (c) of that subsection, and subsection (3) of that
1900 section are amended, to read:

1901 499.0295 Experimental treatments for terminal conditions.—

1902 (2) As used in this section, the term:

1903 ~~(a) “Dispensing organization” means an organization~~
1904 ~~approved by the Department of Health under s. 381.986(5) to~~
1905 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1906 ~~medical cannabis, and cannabis delivery devices.~~

1907 (b)(e) “Investigational drug, biological product, or
1908 device” means:

1909 ~~1.~~ a drug, biological product, or device that has
1910 successfully completed phase 1 of a clinical trial but has not
1911 been approved for general use by the United States Food and Drug
1912 Administration and remains under investigation in a clinical
1913 trial approved by the United States Food and Drug
1914 Administration; ~~or~~

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1915 ~~2. Medical cannabis that is manufactured and sold by a~~
 1916 ~~dispensing organization.~~

1917 (3) Upon the request of an eligible patient, a manufacturer
 1918 ~~may, or upon a physician's order pursuant to s. 381.986, a~~
 1919 ~~dispensing organization may:~~

1920 (a) Make its investigational drug, biological product, or
 1921 device available under this section.

1922 (b) Provide an investigational drug, biological product, or
 1923 ~~device, or cannabis delivery device as defined in s. 381.986 to~~
 1924 an eligible patient without receiving compensation.

1925 (c) Require an eligible patient to pay the costs of, or the
 1926 costs associated with, the manufacture of the investigational
 1927 drug, biological product, or device, ~~or cannabis delivery device~~
 1928 ~~as defined in s. 381.986.~~

1929 Section 10. Subsection (3) of section 893.02, Florida
 1930 Statutes, is amended to read:

1931 893.02 Definitions.—The following words and phrases as used
 1932 in this chapter shall have the following meanings, unless the
 1933 context otherwise requires:

1934 (3) "Cannabis" means all parts of any plant of the genus
 1935 *Cannabis*, whether growing or not; the seeds thereof; the resin
 1936 extracted from any part of the plant; and every compound,
 1937 manufacture, salt, derivative, mixture, or preparation of the
 1938 plant or its seeds or resin. The term does not include
 1939 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
 1940 manufactured, possessed, sold, purchased, delivered,
 1941 distributed, or dispensed, in conformance with s. 381.986.

1942 Section 11. Section 1004.4351, Florida Statutes, is created
 1943 to read:

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1944 1004.4351 Medical marijuana research and education.-
1945 (1) SHORT TITLE.-This section shall be known and may be
1946 cited as the "Medical Marijuana Research and Education Act."
1947 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:
1948 (a) The present state of knowledge concerning the use of
1949 marijuana to alleviate pain and treat illnesses is limited
1950 because permission to perform clinical studies on marijuana is
1951 difficult to obtain, with access to research-grade marijuana so
1952 restricted that little or no unbiased studies have been
1953 performed.
1954 (b) Under the State Constitution, marijuana is available
1955 for the treatment of certain debilitating medical conditions.
1956 (c) Additional clinical studies are needed to ensure that
1957 the residents of this state obtain the correct dosing,
1958 formulation, route, modality, frequency, quantity, and quality
1959 of marijuana for specific illnesses.
1960 (d) An effective medical marijuana research and education
1961 program would mobilize the scientific, educational, and medical
1962 resources that presently exist in this state to determine the
1963 appropriate and best use of marijuana to treat illness.
1964 (3) DEFINITIONS.-As used in this section, the term:
1965 (a) "Board" means the Medical Marijuana Research and
1966 Education Board.
1967 (b) "Coalition" means the Coalition for Medical Marijuana
1968 Research and Education.
1969 (c) "Marijuana" has the same meaning as provided in s. 29,
1970 Art. X of the State Constitution.
1971 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1972 EDUCATION.-

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1973 (a) There is established within the H. Lee Moffitt Cancer
1974 Center and Research Institute, Inc., the Coalition for Medical
1975 Marijuana Research and Education. The purpose of the coalition
1976 is to conduct rigorous scientific research, provide education,
1977 disseminate research, and guide policy for the adoption of a
1978 statewide policy on ordering and dosing practices for the
1979 medical use of marijuana. The coalition shall be physically
1980 located at the H. Lee Moffitt Cancer Center and Research
1981 Institute, Inc.

1982 (b) The Medical Marijuana Research and Education Board is
1983 established to direct the operations of the coalition. The board
1984 shall be composed of seven members appointed by the chief
1985 executive officer of the H. Lee Moffitt Cancer Center and
1986 Research Institute, Inc. Board members must have experience in a
1987 variety of scientific and medical fields, including, but not
1988 limited to, oncology, neurology, psychology, pediatrics,
1989 nutrition, and addiction. Members shall be appointed to 4-year
1990 terms and may be reappointed to serve additional terms. The
1991 chair shall be elected by the board from among its members to
1992 serve a 2-year term. The board shall meet at least semiannually
1993 at the call of the chair or, in his or her absence or
1994 incapacity, the vice chair. Four members constitute a quorum. A
1995 majority vote of the members present is required for all actions
1996 of the board. The board may prescribe, amend, and repeal a
1997 charter governing the manner in which it conducts its business.
1998 A board member shall serve without compensation but is entitled
1999 to be reimbursed for travel expenses by the coalition or the
2000 organization he or she represents in accordance with s. 112.061.

2001 (c) The coalition shall be administered by a coalition

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2002 director, who shall be appointed by and serve at the pleasure of
2003 the board. The coalition director shall, subject to the approval
2004 of the board:

2005 1. Propose a budget for the coalition.

2006 2. Foster the collaboration of scientists, researchers, and
2007 other appropriate personnel in accordance with the coalition's
2008 charter.

2009 3. Identify and prioritize the research to be conducted by
2010 the coalition.

2011 4. Prepare the Medical Marijuana Research and Education
2012 Plan for submission to the board.

2013 5. Apply for grants to obtain funding for research
2014 conducted by the coalition.

2015 6. Perform other duties as determined by the board.

2016 (d) The board shall advise the Board of Governors, the
2017 State Surgeon General, the Governor, and the Legislature with
2018 respect to medical marijuana research and education in this
2019 state. The board shall explore methods of implementing and
2020 enforcing medical marijuana laws in relation to cancer control,
2021 research, treatment, and education.

2022 (e) The board shall annually adopt a plan for medical
2023 marijuana research, known as the "Medical Marijuana Research and
2024 Education Plan," which must be in accordance with state law and
2025 coordinate with existing programs in this state. The plan must
2026 include recommendations for the coordination and integration of
2027 medical, pharmacological, nursing, paramedical, community, and
2028 other resources connected with the treatment of debilitating
2029 medical conditions; research related to the treatment of such
2030 medical conditions; and education.

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2031 (f) By February 15 of each year, the board shall issue a
2032 report to the Governor, the President of the Senate, and the
2033 Speaker of the House of Representatives on research projects,
2034 community outreach initiatives, and future plans for the
2035 coalition.

2036 (g) Beginning January 15, 2018, and quarterly thereafter,
2037 the Department of Health shall submit to the board a data set
2038 that includes, for each patient registered in the medical
2039 marijuana use registry, the patient's qualifying medical
2040 condition and the daily dose amount and forms of marijuana
2041 certified for the patient.

2042 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
2043 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
2044 and Research Institute, Inc., shall allocate staff and provide
2045 information and assistance, as the coalition's budget permits,
2046 to assist the board in fulfilling its responsibilities.

2047 Section 12. Subsection (1) of section 1004.441, Florida
2048 Statutes, is amended to read:

2049 1004.441 Refractory and intractable epilepsy treatment and
2050 research.—

2051 (1) As used in this section, the term "low-THC cannabis"
2052 means "low-THC cannabis" as defined in s. 381.986 that is
2053 dispensed only from a dispensing organization as defined in
2054 former s. 381.986, Florida Statutes 2016, or a medical marijuana
2055 treatment center as defined in s. 381.986.

2056 Section 13. Subsection (8) is added to section 1006.062,
2057 Florida Statutes, to read:

2058 1006.062 Administration of medication and provision of
2059 medical services by district school board personnel.—

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2060 (8) Each district school board shall adopt a policy and a
2061 procedure for allowing a student who is a qualified patient, as
2062 defined in s. 381.986, to use marijuana obtained pursuant to
2063 that section. Such policy and procedure shall ensure access by
2064 the qualified patient; identify how the marijuana will be
2065 received, accounted for, and stored; and establish processes to
2066 prevent access by other students and school personnel whose
2067 access would be unnecessary for the implementation of the
2068 policy.

2069 Section 14. Department of Health; authority to adopt rules;
2070 cause of action.-

2071 (1) EMERGENCY RULEMAKING.-

2072 (a) The Department of Health and the applicable boards
2073 shall adopt emergency rules pursuant to s. 120.54(4), Florida
2074 Statutes, and this section necessary to implement ss. 381.986
2075 and 381.988, Florida Statutes. If an emergency rule adopted
2076 under this section is held to be unconstitutional or an invalid
2077 exercise of delegated legislative authority, and becomes void,
2078 the department or the applicable boards may adopt an emergency
2079 rule pursuant to this section to replace the rule that has
2080 become void. If the emergency rule adopted to replace the void
2081 emergency rule is also held to be unconstitutional or an invalid
2082 exercise of delegated legislative authority and becomes void,
2083 the department and the applicable boards must follow the
2084 nonemergency rulemaking procedures of the Administrative
2085 Procedures Act to replace the rule that has become void.

2086 (b) For emergency rules adopted under this section, the
2087 department and the applicable boards need not make the findings
2088 required by s. 120.54(4)(a), Florida Statutes. Emergency rules

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2089 adopted under this section are exempt from ss. 120.54(3)(b) and
2090 120.541, Florida Statutes. The department and the applicable
2091 boards shall meet the procedural requirements in s. 120.54(a),
2092 Florida Statutes, if the department or the applicable boards
2093 have, before the effective date of this act, held any public
2094 workshops or hearings on the subject matter of the emergency
2095 rules adopted under this subsection. Challenges to emergency
2096 rules adopted under this subsection are subject to the time
2097 schedules provided in s. 120.56(5), Florida Statutes.

2098 (c) Emergency rules adopted under this section are exempt
2099 from s. 120.54(4)(c), Florida Statutes, and shall remain in
2100 effect until replaced by rules adopted under the nonemergency
2101 rulemaking procedures of the Administrative Procedures Act. By
2102 January 1, 2018, the department and the applicable boards shall
2103 initiate nonemergency rulemaking pursuant to the Administrative
2104 Procedures Act to replace all emergency rules adopted under this
2105 section by publishing a notice of rule development in the
2106 Florida Administrative Register. Except as provided in paragraph
2107 (a), after January 1, 2018, the department and applicable boards
2108 may not adopt rules pursuant to the emergency rulemaking
2109 procedures provided in this section.

2110 (2) CAUSE OF ACTION.—

2111 (a) As used in s. 29(d)(3), Article X of the State
2112 Constitution, the term:

2113 1. "Issue regulations" means the filing by the department
2114 of a rule or emergency rule for adoption with the Department of
2115 State.

2116 2. "Judicial relief" means an action for declaratory
2117 judgment pursuant to chapter 86, Florida Statutes.

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2118 (b) The venue for actions brought against the department
2119 pursuant to s. 29(d)(3), Article X of the State Constitution
2120 shall be in the circuit court in and for Leon County.

2121 (c) If the department is not issuing patient and caregiver
2122 identification cards or licensing medical marijuana treatment
2123 centers by October 3, 2017, the following shall be a defense to
2124 a cause of action brought under s. 29(d)(3), Article X of the
2125 State Constitution:

2126 1. The department is unable to issue patient and caregiver
2127 identification cards or license medical marijuana treatment
2128 centers due to litigation challenging a rule as an invalid
2129 exercise of delegated legislative authority or unconstitutional.

2130 2. The department is unable to issue patient or caregiver
2131 identification cards or license medical marijuana treatment
2132 centers due to a rule being held as an invalid exercise of
2133 delegated legislative authority or unconstitutional.

2134 Section 15. Department of Law Enforcement; training related
2135 to medical use of marijuana.-The Department of Law Enforcement
2136 shall develop a 4-hour online initial training course, and a 2-
2137 hour online continuing education course, which shall be made
2138 available for use by all law enforcement agencies in this state.
2139 Such training shall cover the legal parameters of marijuana-
2140 related activities governed by ss. 381.986 and 381.988, Florida
2141 Statutes, relating to criminal laws governing marijuana.

2142 Section 16. Section 385.212, Florida Statutes, is amended
2143 to read:

2144 385.212 Powers and duties of the Department of Health;
2145 Office of Medical Marijuana ~~Compassionate~~ Use.-

2146 (1) The Department of Health shall establish an Office of

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2147 Medical Marijuana ~~Compassionate~~ Use under the direction of the
2148 Deputy State Health Officer.

2149 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
2150 enhance access to investigational new drugs for Florida patients
2151 through approved clinical treatment plans or studies. The Office
2152 of Medical Marijuana ~~Compassionate~~ Use may:

2153 (a) Create a network of state universities and medical
2154 centers recognized pursuant to s. 381.925.

2155 (b) Make any necessary application to the United States
2156 Food and Drug Administration or a pharmaceutical manufacturer to
2157 facilitate enhanced access to medical ~~compassionate~~ use of
2158 marijuana for Florida patients.

2159 (c) Enter into any agreements necessary to facilitate
2160 enhanced access to medical ~~compassionate~~ use of marijuana for
2161 Florida patients.

2162 (3) The department may adopt rules necessary to implement
2163 this section.

2164 (4) The Office of Medical Marijuana Use shall administer
2165 and enforce s. 381.986.

2166 Section 17. If any provision of this act or its application
2167 to any person or circumstance is held invalid, the invalidity
2168 does not affect other provisions or applications of this act
2169 which can be given effect without the invalid provision or
2170 application, and to this end the provisions of this act are
2171 severable.

2172 Section 18. The Division of Law Revision and Information is
2173 directed to replace the phrase "the effective date of this act"
2174 wherever it occurs in this act with the date the act becomes a
2175 law.

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2176 Section 19. (1) For the 2017-2018 fiscal year, 55 full-time
2177 equivalent positions, with associated salary rate of 2,198,860,
2178 are authorized and the sums of \$3.5 million in nonrecurring
2179 funds from the General Revenue Fund and \$4,055,292 in recurring
2180 funds and \$1,238,148 in nonrecurring funds from the Grants and
2181 Donations Trust Fund are appropriated to the Department of
2182 Health for the purpose of implementing the requirements of this
2183 act. Of the funds appropriated, \$3,158,572 in recurring funds
2184 and \$1,238,148 in nonrecurring funds from the Grants and
2185 Donations Trust Fund and 27 full-time equivalent positions shall
2186 be placed in reserve. The Department of Health is authorized to
2187 submit budget amendments requesting the release of funds being
2188 held in reserve pursuant to chapter 216, Florida Statutes
2189 contingent upon need and demonstration of fee collections to
2190 support the budget authority.

2191 (2) For the 2017-2018 fiscal year, the sum of \$500,000 in
2192 nonrecurring funds from the General Revenue Fund is appropriated
2193 to the Department of Health to implement the statewide cannabis
2194 and marijuana education and illicit use prevention campaign
2195 established under s. 381.989, Florida Statutes.

2196 (3) For the 2017-2018 fiscal year, the sum of \$5 million in
2197 nonrecurring funds from the Highway Safety Operating Trust Fund
2198 are appropriated to the Department of Highway Safety and Motor
2199 Vehicles to implement the statewide impaired driving education
2200 campaign established under s. 381.989, Florida Statutes.

2201 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
2202 recurring funds from the Highway Safety Operating Trust Fund is
2203 appropriated to the Department of Highway Safety and Motor
2204 Vehicles for the purpose of training additional law enforcement

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2205 officers as drug recognition experts.

2206 (5) For the 2017-2018 fiscal year, the sum of \$750,000 in
2207 nonrecurring funds from the General Revenue Fund is provided for
2208 the Coalition for Medicinal Cannabis Research and Education at
2209 the H. Lee Moffitt Cancer Center and Research Institute, Inc.,
2210 to conduct medical cannabis research.

2211 Section 20. This act shall take effect upon becoming a law.