

20178Ae2

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 amending s. 381.986, F.S.; providing, revising, and
8 deleting definitions; providing qualifying medical
9 conditions for a patient to be eligible to receive
10 marijuana or a marijuana delivery device; providing
11 requirements for designating a qualified physician or
12 medical director; providing criteria for certification
13 of a patient for medical marijuana treatment by a
14 qualified physician; providing for certain patients
15 registered with the medical marijuana use registry to
16 be deemed qualified; requiring the Department of
17 Health to monitor physician registration and
18 certifications in the medical marijuana use registry;
19 requiring the Board of Medicine and the Board of
20 Osteopathic Medicine to create a physician
21 certification pattern review panel; providing
22 rulemaking authority to the department and the boards;
23 requiring the department to establish a medical
24 marijuana use registry; specifying entities and
25 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

20178Ae2

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

20178Ae2

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

20178Ae2

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

20178Ae2

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

20178Ae2

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

20178Ae2

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

20178Ae2

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.

20178Ae2

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.

20178Ae2

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

20178Ae2

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.

20178Ae2

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,

20178Ae2

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

20178Ae2

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.

20178Ae2

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

20178Ae2

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

20178Ae2

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

20178Ae2

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;

20178Ae2

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.

20178Ae2

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;

20178Ae2

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

20178Ae2

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

20178Ae2

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 shall 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

20178Ae2

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 Within 12 months, all processing facilities of medical marijuana
688 treatment centers licensed subject to this paragraph shall pass
689 a Food Safety Good Manufacturing Practices, such as Global Food
690 Safety Initiative or equivalent, inspection by a nationally
691 accredited certifying body. A medical marijuana treatment center
692 that fails to meet this requirement must immediately stop all
693 processing until it provides notice to the department that these
694 standards have been met.

695 2. The department shall license as medical marijuana
696 treatment centers 10 applicants that meet the requirements of

20178Ae2

697 this section, under the following parameters:

698 a. As soon as practicable, but no later than August 1,
699 2017, the department shall license any applicant whose
700 application was reviewed, evaluated, and scored by the
701 department and which was denied a dispensing organization
702 license by the department under former s. 381.986, Florida
703 Statutes 2014; which had one or more administrative or judicial
704 challenges pending as of January 1, 2017, or had a final ranking
705 within one point of the highest final ranking in its region
706 under former s. 381.986, Florida Statutes 2014; which meets the
707 requirements of this section; and which provides documentation
708 to the department that it has the existing infrastructure and
709 technical and technological ability to begin cultivating
710 marijuana within 30 days after registration as a medical
711 marijuana treatment center.

712 b. As soon as practicable, but no later than October 3,
713 2017, the department shall license one applicant that is a
714 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
715 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
716 (D.D.C. 2011) and is a member of the Black Farmers and
717 Agriculturalists Association-Florida Chapter. An applicant
718 licensed under this sub-subparagraph is exempt from the
719 requirements of subparagraphs (b)1. and (b)2.

720 c. As soon as practicable, but no later than October 3,
721 2017, the department shall license applicants that meet the
722 requirements of this section in sufficient numbers to result in
723 10 total licenses issued under this subparagraph, while
724 accounting for the number of licenses issued under sub-
725 subparagraphs a. and b.

20178Ae2

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

733 4. Within 6 months after the registration of 100,000 active
734 qualified patients in the medical marijuana use registry, the
735 department shall license four additional medical marijuana
736 treatment centers that meet the requirements of this section.
737 Thereafter, the department shall license four medical marijuana
738 treatment centers within 6 months after the registration of each
739 additional 100,000 active qualified patients in the medical
740 marijuana use registry that meet the requirements of this
741 section.

742 5. Dispensing facilities are subject to the following
743 requirements:

744 a. A medical marijuana treatment center may not establish
745 or operate more than a statewide maximum of 25 dispensing
746 facilities, unless the medical marijuana use registry reaches a
747 total of 100,000 active registered qualified patients. When the
748 medical marijuana use registry reaches 100,000 active registered
749 qualified patients, and then upon each further instance of the
750 total active registered qualified patients increasing by
751 100,000, the statewide maximum number of dispensing facilities
752 that each licensed medical marijuana treatment center may
753 establish and operate increases by five.

754 b. A medical marijuana treatment center may not establish

20178Ae2

755 more than the maximum number of dispensing facilities allowed in
756 each of the Northwest, Northeast, Central, Southwest, and
757 Southeast Regions. The department shall determine a medical
758 marijuana treatment center's maximum number of dispensing
759 facilities allowed in each region by calculating the percentage
760 of the total statewide population contained within that region
761 and multiplying that percentage by the medical marijuana
762 treatment center's statewide maximum number of dispensing
763 facilities established under sub-subparagraph a., rounded to the
764 nearest whole number. The department shall ensure that such
765 rounding does not cause a medical marijuana treatment center's
766 total number of statewide dispensing facilities to exceed its
767 statewide maximum. The department shall initially calculate the
768 maximum number of dispensing facilities allowed in each region
769 for each medical marijuana treatment center using county
770 population estimates from the Florida Estimates of Population
771 2016, as published by the Office of Economic and Demographic
772 Research, and shall perform recalculations following the
773 official release of county population data resulting from each
774 United States Decennial Census. For the purposes of this
775 subparagraph:

776 (I) The Northwest Region consists of Bay, Calhoun,
777 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
778 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
779 Walton, and Washington Counties.

780 (II) The Northeast Region consists of Alachua, Baker,
781 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
782 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
783 Suwannee, and Union Counties.

20178Ae2

784 (III) The Central Region consists of Brevard, Citrus,
785 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
786 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
787 Counties.

788 (IV) The Southwest Region consists of Charlotte, Collier,
789 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
790 Okeechobee, and Sarasota Counties.

791 (V) The Southeast Region consists of Broward, Miami-Dade,
792 Martin, Monroe, and Palm Beach Counties.

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

20178Ae2

813 treatment center that sells or purchases a dispensing facility
814 slot must notify the department within 3 days of sale.

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

816
817 If this subparagraph or its application to any person or
818 circumstance is held invalid, the invalidity does not affect
819 other provisions or applications of this act which can be given
820 effect without the invalid provision or application, and to this
821 end, the provisions of this subparagraph are severable.

822 (b) An applicant for licensure as a medical marijuana
823 treatment center shall apply to the department on a form
824 prescribed by the department and adopted in rule. The department
825 shall adopt rules pursuant to ss. 120.536(1) and 120.54
826 establishing a procedure for the issuance and biennial renewal
827 of licenses, including initial application and biennial renewal
828 fees sufficient to cover the costs of implementing and
829 administering this section, and establishing supplemental
830 licensure fees for payment beginning May 1, 2018, sufficient to
831 cover the costs of administering ss. 381.989 and 1004.4351. The
832 department shall identify applicants with strong diversity plans
833 reflecting this state's commitment to diversity and implement
834 training programs and other educational programs to enable
835 minority persons and minority business enterprises, as defined
836 in s. 288.703, and veteran business enterprises, as defined in
837 s. 295.187, to compete for medical marijuana treatment center
838 licensure and contracts. Subject to the requirements in
839 subparagraphs (a)2.-4., the department shall issue a license to
840 an applicant if the applicant meets the requirements of this
841 section and pays the initial application fee. The department

20178Ae2

842 shall renew the licensure of a medical marijuana treatment
843 center biennially if the licensee meets the requirements of this
844 section and pays the biennial renewal fee. An individual may not
845 be an applicant, owner, officer, board member, or manager on
846 more than one application for licensure as a medical marijuana
847 treatment center. An individual or entity may not be awarded
848 more than one license as a medical marijuana treatment center.
849 An applicant for licensure as a medical marijuana treatment
850 center must demonstrate:

851 1. That, for the 5 consecutive years before submitting the
852 application, the applicant has been registered to do business in
853 in the state.

854 2. Possession of a valid certificate of registration issued
855 by the Department of Agriculture and Consumer Services pursuant
856 to s. 581.131.

857 3. The technical and technological ability to cultivate and
858 produce marijuana, including, but not limited to, low-THC
859 cannabis.

860 4. The ability to secure the premises, resources, and
861 personnel necessary to operate as a medical marijuana treatment
862 center.

863 5. The ability to maintain accountability of all raw
864 materials, finished products, and any byproducts to prevent
865 diversion or unlawful access to or possession of these
866 substances.

867 6. An infrastructure reasonably located to dispense
868 marijuana to registered qualified patients statewide or
869 regionally as determined by the department.

870 7. The financial ability to maintain operations for the

20178Ae2

871 duration of the 2-year approval cycle, including the provision
872 of certified financial statements to the department.

873 a. Upon approval, the applicant must post a \$5 million
874 performance bond issued by an authorized surety insurance
875 company rated in one of the three highest rating categories by a
876 nationally recognized rating service. However, a medical
877 marijuana treatment center serving at least 1,000 qualified
878 patients is only required to maintain a \$2 million performance
879 bond.

880 b. In lieu of the performance bond required under sub-
881 subparagraph a., the applicant may provide an irrevocable letter
882 of credit payable to the department or provide cash to the
883 department. If provided with cash under this sub-subparagraph,
884 the department shall deposit the cash in the Grants and
885 Donations Trust Fund within the Department of Health, subject to
886 the same conditions as the bond regarding requirements for the
887 applicant to forfeit ownership of the funds. If the funds
888 deposited under this sub-subparagraph generate interest, the
889 amount of that interest shall be used by the department for the
890 administration of this section.

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

893 9. The employment of a medical director to supervise the
894 activities of the medical marijuana treatment center.

895 10. A diversity plan that promotes and ensures the
896 involvement of minority persons and minority business
897 enterprises, as defined in s. 288.703, or veteran business
898 enterprises, as defined in s. 295.187, in ownership, management,
899 and employment. An applicant for licensure renewal must show the

20178Ae2

900 effectiveness of the diversity plan by including the following
901 with his or her application for renewal:

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

904 b. Efforts to recruit minority persons and veterans for
905 employment; and

906 c. A record of contracts for services with minority
907 business enterprises and veteran business enterprises.

908 11. That all processing facilities have passed a Food
909 Safety Good Manufacturing Practices, such as Global Food Safety
910 Initiative or equivalent, inspection by a nationally recognized
911 certifying body.

912 (c) A medical marijuana treatment center may not make a
913 wholesale purchase of marijuana from, or a distribution of
914 marijuana to, another medical marijuana treatment center, unless
915 the medical marijuana treatment center seeking to make a
916 wholesale purchase of marijuana submits proof of harvest failure
917 to the department.

918 (d) The department shall establish, maintain, and control a
919 computer software tracking system that traces marijuana from
920 seed to sale and allows real-time, 24-hour access by the
921 department to data from all medical marijuana treatment centers
922 and marijuana testing laboratories. The tracking system must
923 allow for integration of other seed-to-sale systems and, at a
924 minimum, include notification of when marijuana seeds are
925 planted, when marijuana plants are harvested and destroyed, and
926 when marijuana is transported, sold, stolen, diverted, or lost.
927 Each medical marijuana treatment center shall use the seed-to-
928 sale tracking system established by the department or integrate

20178Ae2

929 its own seed-to-sale tracking system with the seed-to-sale
930 tracking system established by the department. Each medical
931 marijuana treatment center may use its own seed-to-sale system
932 until the department establishes a seed-to-sale tracking system.
933 The department may contract with a vendor to establish the seed-
934 to-sale tracking system. The vendor selected by the department
935 may not have a contractual relationship with the department to
936 perform any services pursuant to this section other than the
937 seed-to-sale tracking system. The vendor may not have a direct
938 or indirect financial interest in a medical marijuana treatment
939 center or a marijuana testing laboratory.

940 (e) A licensed medical marijuana treatment center shall
941 cultivate, process, transport, and dispense marijuana for
942 medical use. A licensed medical marijuana treatment center may
943 not contract for services directly related to the cultivation,
944 processing, and dispensing of marijuana or marijuana delivery
945 devices, except that a medical marijuana treatment center
946 licensed pursuant to subparagraph (a)1. may contract with a
947 single entity for the cultivation, processing, transporting, and
948 dispensing of marijuana and marijuana delivery devices. A
949 licensed medical marijuana treatment center must, at all times,
950 maintain compliance with the criteria demonstrated and
951 representations made in the initial application and the criteria
952 established in this subsection. Upon request, the department may
953 grant a medical marijuana treatment center a variance from the
954 representations made in the initial application. Consideration
955 of such a request shall be based upon the individual facts and
956 circumstances surrounding the request. A variance may not be
957 granted unless the requesting medical marijuana treatment center

20178Ae2

958 can demonstrate to the department that it has a proposed
959 alternative to the specific representation made in its
960 application which fulfills the same or a similar purpose as the
961 specific representation in a way that the department can
962 reasonably determine will not be a lower standard than the
963 specific representation in the application. A variance may not
964 be granted from the requirements in subparagraph 2. and
965 subparagraphs (b)1. and 2.

966 1. A licensed medical marijuana treatment center may
967 transfer ownership to an individual or entity who meets the
968 requirements of this section. A publicly traded corporation or
969 publicly traded company that meets the requirements of this
970 section is not precluded from ownership of a medical marijuana
971 treatment center. To accommodate a change in ownership:

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

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

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

984 d. Requested information omitted from an application for
985 licensure must be filed with the department within 21 days after
986 the department's request for omitted information or the

20178Ae2

987 application shall be deemed incomplete and shall be withdrawn
988 from further consideration and the fees shall be forfeited.

989
990 Within 30 days after the receipt of a complete application, the
991 department shall approve or deny the application.

992 2. A medical marijuana treatment center, and any individual
993 or entity who directly or indirectly owns, controls, or holds
994 with power to vote 5 percent or more of the voting shares of a
995 medical marijuana treatment center, may not acquire direct or
996 indirect ownership or control of any voting shares or other form
997 of ownership of any other medical marijuana treatment center.

998 3. A medical marijuana treatment center may not enter into
999 any form of profit-sharing arrangement with the property owner
1000 or lessor of any of its facilities where cultivation,
1001 processing, storing, or dispensing of marijuana and marijuana
1002 delivery devices occurs.

1003 4. All employees of a medical marijuana treatment center
1004 must be 21 years of age or older and have passed a background
1005 screening pursuant to subsection (9).

1006 5. Each medical marijuana treatment center must adopt and
1007 enforce policies and procedures to ensure employees and
1008 volunteers receive training on the legal requirements to
1009 dispense marijuana to qualified patients.

1010 6. When growing marijuana, a medical marijuana treatment
1011 center:

1012 a. May use pesticides determined by the department, after
1013 consultation with the Department of Agriculture and Consumer
1014 Services, to be safely applied to plants intended for human
1015 consumption, but may not use pesticides designated as

20178Ae2

1016 restricted-use pesticides pursuant to s. 487.042.

1017 b. Must grow marijuana within an enclosed structure and in
1018 a room separate from any other plant.

1019 c. Must inspect seeds and growing plants for plant pests
1020 that endanger or threaten the horticultural and agricultural
1021 interests of the state in accordance with chapter 581 and any
1022 rules adopted thereunder.

1023 d. Must perform fumigation or treatment of plants, or
1024 remove and destroy infested or infected plants, in accordance
1025 with chapter 581 and any rules adopted thereunder.

1026 7. Each medical marijuana treatment center must produce and
1027 make available for purchase at least one low-THC cannabis
1028 product.

1029 8. A medical marijuana treatment center that produces
1030 edibles must hold a permit to operate as a food establishment
1031 pursuant to chapter 500, the Florida Food Safety Act, and must
1032 comply with all the requirements for food establishments
1033 pursuant to chapter 500 and any rules adopted thereunder.

1034 Edibles may not contain more than 200 milligrams of
1035 tetrahydrocannabinol and a single serving portion of an edible
1036 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
1037 may have a potency variance of no greater than 15 percent.

1038 Edibles may not be attractive to children; be manufactured in
1039 the shape of humans, cartoons, or animals; be manufactured in a
1040 form that bears any reasonable resemblance to products available
1041 for consumption as commercially available candy; or contain any
1042 color additives. To discourage consumption of edibles by
1043 children, the department shall determine by rule any shapes,
1044 forms, and ingredients allowed and prohibited for edibles.

20178Ae2

1045 Medical marijuana treatment centers may not begin processing or
1046 dispensing edibles until after the effective date of the rule.
1047 The department shall also adopt sanitation rules providing the
1048 standards and requirements for the storage, display, or
1049 dispensing of edibles.

1050 9. Before beginning medical marijuana treatment center
1051 related functions, all processing facilities of a medical
1052 marijuana treatment center must have passed a Food Safety Good
1053 Manufacturing Practices, such as Global Food Safety Initiative,
1054 inspection by a nationally recognized certifying body. A medical
1055 marijuana treatment center that fails to pass such an inspection
1056 must immediately stop all processing until such time as the
1057 medical marijuana treatment center provides notice to the
1058 department that these standards have been met.

1059 10. When processing marijuana, a medical marijuana
1060 treatment center must:

1061 a. Process the marijuana within an enclosed structure and
1062 in a room separate from other plants or products.

1063 b. Comply with department rules when processing marijuana
1064 with hydrocarbon solvents or other solvents or gases exhibiting
1065 potential toxicity to humans. The department shall determine by
1066 rule the requirements for medical marijuana treatment centers to
1067 use such solvents or gases exhibiting potential toxicity to
1068 humans.

1069 c. Comply with federal and state laws and regulations and
1070 department rules for solid and liquid wastes. The department
1071 shall determine by rule procedures for the storage, handling,
1072 transportation, management, and disposal of solid and liquid
1073 waste generated during marijuana production and processing. The

20178Ae2

1074 Department of Environmental Protection shall assist the
1075 department in developing such rules.

1076 d. Test the processed marijuana using a medical marijuana
1077 testing laboratory before it is dispensed. Results must be
1078 verified and signed by two medical marijuana treatment center
1079 employees. Before dispensing, the medical marijuana treatment
1080 center must determine that the test results indicate that low-
1081 THC cannabis meets the definition of low-THC cannabis, the
1082 concentration of tetrahydrocannabinol meets the potency
1083 requirements of this section, the labeling of the concentration
1084 of tetrahydrocannabinol and cannabidiol is accurate, and all
1085 marijuana is safe for human consumption and free from
1086 contaminants that are unsafe for human consumption. The
1087 department shall determine by rule which contaminants must be
1088 tested for and the maximum levels of each contaminant which are
1089 safe for human consumption. The Department of Agriculture and
1090 Consumer Services shall assist the department in developing the
1091 testing requirements for contaminants that are unsafe for human
1092 consumption in edibles. The department shall also determine by
1093 rule the procedures for the treatment of marijuana that fails to
1094 meet the testing requirements of this section, s. 381.988, or
1095 department rule. The department may select a random sample from
1096 edibles available for purchase in a dispensing facility which
1097 shall be tested by the department to determine that the edible
1098 meets the potency requirements of this section, is safe for
1099 human consumption, and the labeling of the tetrahydrocannabinol
1100 and cannabidiol concentration is accurate. A medical marijuana
1101 treatment center may not require payment from the department for
1102 the sample. A medical marijuana treatment center must recall

20178Ae2

1103 edibles, including all edibles made from the same batch of
1104 marijuana, which fail to meet the potency requirements of this
1105 section, which are unsafe for human consumption, or for which
1106 the labeling of the tetrahydrocannabinol and cannabidiol
1107 concentration is inaccurate. The medical marijuana treatment
1108 center must retain records of all testing and samples of each
1109 homogenous batch of marijuana for at least 9 months. The medical
1110 marijuana treatment center must contract with a marijuana
1111 testing laboratory to perform audits on the medical marijuana
1112 treatment center's standard operating procedures, testing
1113 records, and samples and provide the results to the department
1114 to confirm that the marijuana or low-THC cannabis meets the
1115 requirements of this section and that the marijuana or low-THC
1116 cannabis is safe for human consumption. A medical marijuana
1117 treatment center shall reserve two processed samples from each
1118 batch and retain such samples for at least 9 months for the
1119 purpose of such audits. A medical marijuana treatment center may
1120 use a laboratory that has not been certified by the department
1121 under s. 381.988 until such time as at least one laboratory
1122 holds the required certification, but in no event later than
1123 July 1, 2018.

1124 e. Package the marijuana in compliance with the United
1125 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1126 1471 et seq.

1127 f. Package the marijuana in a receptacle that has a firmly
1128 affixed and legible label stating the following information:

1129 (I) The marijuana or low-THC cannabis meets the
1130 requirements of sub-subparagraph d.

1131 (II) The name of the medical marijuana treatment center

20178Ae2

1132 from which the marijuana originates.

1133 (III) The batch number and harvest number from which the
1134 marijuana originates and the date dispensed.

1135 (IV) The name of the physician who issued the physician
1136 certification.

1137 (V) The name of the patient.

1138 (VI) The product name, if applicable, and dosage form,
1139 including concentration of tetrahydrocannabinol and cannabidiol.
1140 The product name may not contain wording commonly associated
1141 with products marketed by or to children.

1142 (VII) The recommended dose.

1143 (VIII) A warning that it is illegal to transfer medical
1144 marijuana to another person.

1145 (IX) A marijuana universal symbol developed by the
1146 department.

1147 11. The medical marijuana treatment center shall include in
1148 each package a patient package insert with information on the
1149 specific product dispensed related to:

1150 a. Clinical pharmacology.

1151 b. Indications and use.

1152 c. Dosage and administration.

1153 d. Dosage forms and strengths.

1154 e. Contraindications.

1155 f. Warnings and precautions.

1156 g. Adverse reactions.

1157 12. Each edible shall be individually sealed in plain,
1158 opaque wrapping marked only with the marijuana universal symbol.
1159 Where practical, each edible shall be marked with the marijuana
1160 universal symbol. In addition to the packaging and labeling

20178Ae2

1161 requirements in subparagraphs 10. and 11., edible receptacles
1162 must be plain, opaque, and white without depictions of the
1163 product or images other than the medical marijuana treatment
1164 center's department-approved logo and the marijuana universal
1165 symbol. The receptacle must also include a list all of the
1166 edible's ingredients, storage instructions, an expiration date,
1167 a legible and prominent warning to keep away from children and
1168 pets, and a warning that the edible has not been produced or
1169 inspected pursuant to federal food safety laws.

1170 13. When dispensing marijuana or a marijuana delivery
1171 device, a medical marijuana treatment center:

1172 a. May dispense any active, valid order for low-THC
1173 cannabis, medical cannabis and cannabis delivery devices issued
1174 pursuant to former s. 381.986, Florida Statutes 2016, which was
1175 entered into the medical marijuana use registry before July 1,
1176 2017.

1177 b. May not dispense more than a 70-day supply of marijuana
1178 to a qualified patient or caregiver.

1179 c. Must have the medical marijuana treatment center's
1180 employee who dispenses the marijuana or a marijuana delivery
1181 device enter into the medical marijuana use registry his or her
1182 name or unique employee identifier.

1183 d. Must verify that the qualified patient and the
1184 caregiver, if applicable, each has an active registration in the
1185 medical marijuana use registry and an active and valid medical
1186 marijuana use registry identification card, the amount and type
1187 of marijuana dispensed matches the physician certification in
1188 the medical marijuana use registry for that qualified patient,
1189 and the physician certification has not already been filled.

20178Ae2

1190 e. May not dispense marijuana to a qualified patient who is
1191 younger than 18 years of age. If the qualified patient is
1192 younger than 18 years of age, marijuana may only be dispensed to
1193 the qualified patient's caregiver.

1194 f. May not dispense or sell any other type of cannabis,
1195 alcohol, or illicit drug-related product, including pipes,
1196 bongs, or wrapping papers, other than a marijuana delivery
1197 device required for the medical use of marijuana and which is
1198 specified in a physician certification.

1199 g. Must, upon dispensing the marijuana or marijuana
1200 delivery device, record in the registry the date, time,
1201 quantity, and form of marijuana dispensed; the type of marijuana
1202 delivery device dispensed; and the name and medical marijuana
1203 use registry identification number of the qualified patient or
1204 caregiver to whom the marijuana delivery device was dispensed.

1205 h. Must ensure that patient records are not visible to
1206 anyone other than the qualified patient, his or her caregiver,
1207 and authorized medical marijuana treatment center employees.

1208 (f) To ensure the safety and security of premises where the
1209 cultivation, processing, storing, or dispensing of marijuana
1210 occurs, and to maintain adequate controls against the diversion,
1211 theft, and loss of marijuana or marijuana delivery devices, a
1212 medical marijuana treatment center shall:

1213 1.a. Maintain a fully operational security alarm system
1214 that secures all entry points and perimeter windows and is
1215 equipped with motion detectors; pressure switches; and duress,
1216 panic, and hold-up alarms; and

1217 b. Maintain a video surveillance system that records
1218 continuously 24 hours a day and meets the following criteria:

20178Ae2

1219 (I) Cameras are fixed in a place that allows for the clear
1220 identification of persons and activities in controlled areas of
1221 the premises. Controlled areas include grow rooms, processing
1222 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1223 rooms.

1224 (II) Cameras are fixed in entrances and exits to the
1225 premises, which shall record from both indoor and outdoor, or
1226 ingress and egress, vantage points.

1227 (III) Recorded images must clearly and accurately display
1228 the time and date.

1229 (IV) Retain video surveillance recordings for at least 45
1230 days or longer upon the request of a law enforcement agency.

1231 2. Ensure that the medical marijuana treatment center's
1232 outdoor premises have sufficient lighting from dusk until dawn.

1233 3. Ensure that the indoor premises where dispensing occurs
1234 includes a waiting area with sufficient space and seating to
1235 accommodate qualified patients and caregivers and at least one
1236 private consultation area that is isolated from the waiting area
1237 and area where dispensing occurs. A medical marijuana treatment
1238 center may not display products or dispense marijuana or
1239 marijuana delivery devices in the waiting area.

1240 4. Not dispense from its premises marijuana or a marijuana
1241 delivery device between the hours of 9 p.m. and 7 a.m., but may
1242 perform all other operations and deliver marijuana to qualified
1243 patients 24 hours a day.

1244 5. Store marijuana in a secured, locked room or a vault.

1245 6. Require at least two of its employees, or two employees
1246 of a security agency with whom it contracts, to be on the
1247 premises at all times where cultivation, processing, or storing

20178Ae2

1248 of marijuana occurs.

1249 7. Require each employee or contractor to wear a photo
1250 identification badge at all times while on the premises.

1251 8. Require each visitor to wear a visitor pass at all times
1252 while on the premises.

1253 9. Implement an alcohol and drug-free workplace policy.

1254 10. Report to local law enforcement within 24 hours after
1255 the medical marijuana treatment center is notified or becomes
1256 aware of the theft, diversion, or loss of marijuana.

1257 (g) To ensure the safe transport of marijuana and marijuana
1258 delivery devices to medical marijuana treatment centers,
1259 marijuana testing laboratories, or qualified patients, a medical
1260 marijuana treatment center must:

1261 1. Maintain a marijuana transportation manifest in any
1262 vehicle transporting marijuana. The marijuana transportation
1263 manifest must be generated from a medical marijuana treatment
1264 center's seed-to-sale tracking system and include the:

1265 a. Departure date and approximate time of departure.

1266 b. Name, location address, and license number of the
1267 originating medical marijuana treatment center.

1268 c. Name and address of the recipient of the delivery.

1269 d. Quantity and form of any marijuana or marijuana delivery
1270 device being transported.

1271 e. Arrival date and estimated time of arrival.

1272 f. Delivery vehicle make and model and license plate
1273 number.

1274 g. Name and signature of the medical marijuana treatment
1275 center employees delivering the product.

1276 (I) A copy of the marijuana transportation manifest must be

20178Ae2

1277 provided to each individual, medical marijuana treatment center,
1278 or marijuana testing laboratory that receives a delivery. The
1279 individual, or a representative of the center or laboratory,
1280 must sign a copy of the marijuana transportation manifest
1281 acknowledging receipt.

1282 (II) An individual transporting marijuana or a marijuana
1283 delivery device must present a copy of the relevant marijuana
1284 transportation manifest and his or her employee identification
1285 card to a law enforcement officer upon request.

1286 (III) Medical marijuana treatment centers and marijuana
1287 testing laboratories must retain copies of all marijuana
1288 transportation manifests for at least 3 years.

1289 2. Ensure only vehicles in good working order are used to
1290 transport marijuana.

1291 3. Lock marijuana and marijuana delivery devices in a
1292 separate compartment or container within the vehicle.

1293 4. Require employees to have possession of their employee
1294 identification card at all times when transporting marijuana or
1295 marijuana delivery devices.

1296 5. Require at least two persons to be in a vehicle
1297 transporting marijuana or marijuana delivery devices, and
1298 require at least one person to remain in the vehicle while the
1299 marijuana or marijuana delivery device is being delivered.

1300 6. Provide specific safety and security training to
1301 employees transporting or delivering marijuana and marijuana
1302 delivery devices.

1303 (h) A medical marijuana treatment center may not engage in
1304 advertising that is visible to members of the public from any
1305 street, sidewalk, park, or other public place, except:

20178Ae2

1306 1. The dispensing location of a medical marijuana treatment
1307 center may have a sign that is affixed to the outside or hanging
1308 in the window of the premises which identifies the dispensary by
1309 the licensee's business name, a department-approved trade name,
1310 or a department-approved logo. A medical marijuana treatment
1311 center's trade name and logo may not contain wording or images
1312 commonly associated with marketing targeted toward children or
1313 which promote recreational use of marijuana.

1314 2. A medical marijuana treatment center may engage in
1315 Internet advertising and marketing under the following
1316 conditions:

1317 a. All advertisements must be approved by the department.

1318 b. An advertisement may not have any content that
1319 specifically targets individuals under the age of 18, including
1320 cartoon characters or similar images.

1321 c. An advertisement may not be an unsolicited pop-up
1322 advertisement.

1323 d. Opt-in marketing must include an easy and permanent opt-
1324 out feature.

1325 (i) Each medical marijuana treatment center that dispenses
1326 marijuana and marijuana delivery devices shall make available to
1327 the public on its website:

1328 1. Each marijuana and low-THC product available for
1329 purchase, including the form, strain of marijuana from which it
1330 was extracted, cannabidiol content, tetrahydrocannabinol
1331 content, dose unit, total number of doses available, and the
1332 ratio of cannabidiol to tetrahydrocannabinol for each product.

1333 2. The price for a 30-day, 50-day, and 70-day supply at a
1334 standard dose for each marijuana and low-THC product available

20178Ae2

1335 for purchase.

1336 3. The price for each marijuana delivery device available
1337 for purchase.

1338 4. If applicable, any discount policies and eligibility
1339 criteria for such discounts.

1340 (j) Medical marijuana treatment centers are the sole source
1341 from which a qualified patient may legally obtain marijuana.

1342 (k) The department may adopt rules pursuant to ss.
1343 120.536(1) and 120.54 to implement this subsection.

1344 (9) BACKGROUND SCREENING.-An individual required to undergo
1345 a background screening pursuant to this section must pass a
1346 level 2 background screening as provided under chapter 435,
1347 which, in addition to the disqualifying offenses provided in s.
1348 435.04, shall exclude an individual who has an arrest awaiting
1349 final disposition for, has been found guilty of, regardless of
1350 adjudication, or has entered a plea of nolo contendere or guilty
1351 to an offense under chapter 837, chapter 895, or chapter 896 or
1352 similar law of another jurisdiction.

1353 (a) Such individual must submit a full set of fingerprints
1354 to the department or to a vendor, entity, or agency authorized
1355 by s. 943.053(13). The department, vendor, entity, or agency
1356 shall forward the fingerprints to the Department of Law
1357 Enforcement for state processing, and the Department of Law
1358 Enforcement shall forward the fingerprints to the Federal Bureau
1359 of Investigation for national processing.

1360 (b) Fees for state and federal fingerprint processing and
1361 retention shall be borne by the individual. The state cost for
1362 fingerprint processing shall be as provided in s. 943.053(3)(e)
1363 for records provided to persons or entities other than those

20178Ae2

1364 specified as exceptions therein.

1365 (c) Fingerprints submitted to the Department of Law
1366 Enforcement pursuant to this subsection shall be retained by the
1367 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1368 (h) and, when the Department of Law Enforcement begins
1369 participation in the program, enrolled in the Federal Bureau of
1370 Investigation's national retained print arrest notification
1371 program. Any arrest record identified shall be reported to the
1372 department.

1373 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1374 ADMINISTRATIVE ACTIONS.—

1375 (a) The department shall conduct announced or unannounced
1376 inspections of medical marijuana treatment centers to determine
1377 compliance with this section or rules adopted pursuant to this
1378 section.

1379 (b) The department shall inspect a medical marijuana
1380 treatment center upon receiving a complaint or notice that the
1381 medical marijuana treatment center has dispensed marijuana
1382 containing mold, bacteria, or other contaminant that may cause
1383 or has caused an adverse effect to human health or the
1384 environment.

1385 (c) The department shall conduct at least a biennial
1386 inspection of each medical marijuana treatment center to
1387 evaluate the medical marijuana treatment center's records,
1388 personnel, equipment, processes, security measures, sanitation
1389 practices, and quality assurance practices.

1390 (d) The Department of Agriculture and Consumer Services and
1391 the department shall enter into an interagency agreement to
1392 ensure cooperation and coordination in the performance of their

20178Ae2

1393 obligations under this section and their respective regulatory
1394 and authorizing laws. The department, the Department of Highway
1395 Safety and Motor Vehicles, and the Department of Law Enforcement
1396 may enter into interagency agreements for the purposes specified
1397 in this subsection or subsection (7).

1398 (e) The department shall publish a list of all approved
1399 medical marijuana treatment centers, medical directors, and
1400 qualified physicians on its website.

1401 (f) The department may impose reasonable fines not to
1402 exceed \$10,000 on a medical marijuana treatment center for any
1403 of the following violations:

1404 1. Violating this section or department rule.

1405 2. Failing to maintain qualifications for approval.

1406 3. Endangering the health, safety, or security of a
1407 qualified patient.

1408 4. Improperly disclosing personal and confidential
1409 information of the qualified patient.

1410 5. Attempting to procure medical marijuana treatment center
1411 approval by bribery, fraudulent misrepresentation, or extortion.

1412 6. Being convicted or found guilty of, or entering a plea
1413 of guilty or nolo contendere to, regardless of adjudication, a
1414 crime in any jurisdiction which directly relates to the business
1415 of a medical marijuana treatment center.

1416 7. Making or filing a report or record that the medical
1417 marijuana treatment center knows to be false.

1418 8. Willfully failing to maintain a record required by this
1419 section or department rule.

1420 9. Willfully impeding or obstructing an employee or agent
1421 of the department in the furtherance of his or her official

20178Ae2

1422 duties.

1423 10. Engaging in fraud or deceit, negligence, incompetence,
1424 or misconduct in the business practices of a medical marijuana
1425 treatment center.

1426 11. Making misleading, deceptive, or fraudulent
1427 representations in or related to the business practices of a
1428 medical marijuana treatment center.

1429 12. Having a license or the authority to engage in any
1430 regulated profession, occupation, or business that is related to
1431 the business practices of a medical marijuana treatment center
1432 suspended, revoked, or otherwise acted against by the licensing
1433 authority of any jurisdiction, including its agencies or
1434 subdivisions, for a violation that would constitute a violation
1435 under Florida law.

1436 13. Violating a lawful order of the department or an agency
1437 of the state, or failing to comply with a lawfully issued
1438 subpoena of the department or an agency of the state.

1439 (g) The department may suspend, revoke, or refuse to renew
1440 a medical marijuana treatment center license if the medical
1441 marijuana treatment center commits any of the violations in
1442 paragraph (f).

1443 (h) The department may adopt rules pursuant to ss.
1444 120.536(1) and 120.54 to implement this subsection.

1445 (11) PREEMPTION.—Regulation of cultivation, processing, and
1446 delivery of marijuana by medical marijuana treatment centers is
1447 preempted to the state except as provided in this subsection.

1448 (a) A medical marijuana treatment center cultivating or
1449 processing facility may not be located within 500 feet of the
1450 real property that comprises a public or private elementary

20178Ae2

1451 school, middle school, or secondary school.

1452 (b)1. A county or municipality may, by ordinance, ban
1453 medical marijuana treatment center dispensing facilities from
1454 being located within the boundaries of that county or
1455 municipality. A county or municipality that does not ban
1456 dispensing facilities under this subparagraph may not place
1457 specific limits, by ordinance, on the number of dispensing
1458 facilities that may locate within that county or municipality.

1459 2. A municipality may determine by ordinance the criteria
1460 for the location of, and other permitting requirements that do
1461 not conflict with state law or department rule for, medical
1462 marijuana treatment center dispensing facilities located within
1463 the boundaries of that municipality. A county may determine by
1464 ordinance the criteria for the location of, and other permitting
1465 requirements that do not conflict with state law or department
1466 rule for, all such dispensing facilities located within the
1467 unincorporated areas of that county. Except as provided in
1468 paragraph (c), a county or municipality may not enact ordinances
1469 for permitting or for determining the location of dispensing
1470 facilities which are more restrictive than its ordinances
1471 permitting or determining the locations for pharmacies licensed
1472 under chapter 465. A municipality or county may not charge a
1473 medical marijuana treatment center a license or permit fee in an
1474 amount greater than the fee charged by such municipality or
1475 county to pharmacies. A dispensing facility location approved by
1476 a municipality or county pursuant to former s. 381.986(8)(b),
1477 Florida Statutes 2016, is not subject to the location
1478 requirements of this subsection.

1479 (c) A medical marijuana treatment center dispensing

20178Ae2

1480 facility may not be located within 500 feet of the real property
1481 that comprises a public or private elementary school, middle
1482 school, or secondary school unless the county or municipality
1483 approves the location through a formal proceeding open to the
1484 public at which the county or municipality determines that the
1485 location promotes the public health, safety, and general welfare
1486 of the community.

1487 (d) This subsection does not prohibit any local
1488 jurisdiction from ensuring medical marijuana treatment center
1489 facilities comply with the Florida Building Code, the Florida
1490 Fire Prevention Code, or any local amendments to the Florida
1491 Building Code or the Florida Fire Prevention Code.

1492 (12) PENALTIES.—

1493 (a) A qualified physician commits a misdemeanor of the
1494 first degree, punishable as provided in s. 775.082 or s.
1495 775.083, if the qualified physician issues a physician
1496 certification for the medical use of marijuana for a patient
1497 without a reasonable belief that the patient is suffering from a
1498 qualifying medical condition.

1499 (b) A person who fraudulently represents that he or she has
1500 a qualifying medical condition to a qualified physician for the
1501 purpose of being issued a physician certification commits a
1502 misdemeanor of the first degree, punishable as provided in s.
1503 775.082 or s. 775.083.

1504 (c) A qualified patient who uses marijuana, not including
1505 low-THC cannabis, or a caregiver who administers marijuana, not
1506 including low-THC cannabis, in plain view of or in a place open
1507 to the general public; in a school bus, a vehicle, an aircraft,
1508 or a boat; or on the grounds of a school except as provided in

20178Ae2

1509 s. 1006.062, commits a misdemeanor of the first degree,
1510 punishable as provided in s. 775.082 or s. 775.083.

1511 (d) A qualified patient or caregiver who cultivates
1512 marijuana or who purchases or acquires marijuana from any person
1513 or entity other than a medical marijuana treatment center
1514 violates s. 893.13 and is subject to the penalties provided
1515 therein.

1516 (e)1. A qualified patient or caregiver in possession of
1517 marijuana or a marijuana delivery device who fails or refuses to
1518 present his or her marijuana use registry identification card
1519 upon the request of a law enforcement officer commits a
1520 misdemeanor of the second degree, punishable as provided in s.
1521 775.082 or s. 775.083, unless it can be determined through the
1522 medical marijuana use registry that the person is authorized to
1523 be in possession of that marijuana or marijuana delivery device.

1524 2. A person charged with a violation of this paragraph may
1525 not be convicted if, before or at the time of his or her court
1526 or hearing appearance, the person produces in court or to the
1527 clerk of the court in which the charge is pending a medical
1528 marijuana use registry identification card issued to him or her
1529 which is valid at the time of his or her arrest. The clerk of
1530 the court is authorized to dismiss such case at any time before
1531 the defendant's appearance in court. The clerk of the court may
1532 assess a fee of \$5 for dismissing the case under this paragraph.

1533 (f) A caregiver who violates any of the applicable
1534 provisions of this section or applicable department rules, for
1535 the first offense, commits a misdemeanor of the second degree,
1536 punishable as provided in s. 775.082 or s. 775.083 and, for a
1537 second or subsequent offense, commits a misdemeanor of the first

20178Ae2

1538 degree, punishable as provided in s. 775.082 or s. 775.083.

1539 (g) A qualified physician who issues a physician
1540 certification for marijuana or a marijuana delivery device and
1541 receives compensation from a medical marijuana treatment center
1542 related to the issuance of a physician certification for
1543 marijuana or a marijuana delivery device is subject to
1544 disciplinary action under the applicable practice act and s.
1545 456.072(1)(n).

1546 (h) A person transporting marijuana or marijuana delivery
1547 devices on behalf of a medical marijuana treatment center or
1548 marijuana testing laboratory who fails or refuses to present a
1549 transportation manifest upon the request of a law enforcement
1550 officer commits a misdemeanor of the second degree, punishable
1551 as provided in s. 775.082 or s. 775.083.

1552 (i) Persons and entities conducting activities authorized
1553 and governed by this section and s. 381.988 are subject to ss.
1554 456.053, 456.054, and 817.505, as applicable.

1555 (j) A person or entity that cultivates, processes,
1556 distributes, sells, or dispenses marijuana, as defined in s.
1557 29(b)(4), Art. X of the State Constitution, and is not licensed
1558 as a medical marijuana treatment center violates s. 893.13 and
1559 is subject to the penalties provided therein.

1560 (k) A person who manufactures, distributes, sells, gives,
1561 or possesses with the intent to manufacture, distribute, sell,
1562 or give marijuana or a marijuana delivery device that he or she
1563 holds out to have originated from a licensed medical marijuana
1564 treatment center but that is counterfeit commits a felony of the
1565 third degree, punishable as provided in s. 775.082, s. 775.083,
1566 or s. 775.084. For the purposes of this paragraph, the term

20178Ae2

1567 "counterfeit" means marijuana; a marijuana delivery device; or a
1568 marijuana or marijuana delivery device container, seal, or label
1569 which, without authorization, bears the trademark, trade name,
1570 or other identifying mark, imprint, or device, or any likeness
1571 thereof, of a licensed medical marijuana treatment center and
1572 which thereby falsely purports or is represented to be the
1573 product of, or to have been distributed by, that licensed
1574 medical marijuana treatment facility.

1575 (1) Any person who possesses or manufactures a blank,
1576 forged, stolen, fictitious, fraudulent, counterfeit, or
1577 otherwise unlawfully issued medical marijuana use registry
1578 identification card commits a felony of the third degree,
1579 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1580 (13) UNLICENSED ACTIVITY.—

1581 (a) If the department has probable cause to believe that a
1582 person or entity that is not registered or licensed with the
1583 department has violated this section, s. 381.988, or any rule
1584 adopted pursuant to this section, the department may issue and
1585 deliver to such person or entity a notice to cease and desist
1586 from such violation. The department also may issue and deliver a
1587 notice to cease and desist to any person or entity who aids and
1588 abets such unlicensed activity. The issuance of a notice to
1589 cease and desist does not constitute agency action for which a
1590 hearing under s. 120.569 or s. 120.57 may be sought. For the
1591 purpose of enforcing a cease and desist order, the department
1592 may file a proceeding in the name of the state seeking issuance
1593 of an injunction or a writ of mandamus against any person or
1594 entity who violates any provisions of such order.

1595 (b) In addition to the remedies under paragraph (a), the

20178Ae2

1596 department may impose by citation an administrative penalty not
1597 to exceed \$5,000 per incident. The citation shall be issued to
1598 the subject and must contain the subject's name and any other
1599 information the department determines to be necessary to
1600 identify the subject, a brief factual statement, the sections of
1601 the law allegedly violated, and the penalty imposed. If the
1602 subject does not dispute the matter in the citation with the
1603 department within 30 days after the citation is served, the
1604 citation shall become a final order of the department. The
1605 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1606 to implement this section. Each day that the unlicensed activity
1607 continues after issuance of a notice to cease and desist
1608 constitutes a separate violation. The department shall be
1609 entitled to recover the costs of investigation and prosecution
1610 in addition to the fine levied pursuant to the citation. Service
1611 of a citation may be made by personal service or by mail to the
1612 subject at the subject's last known address or place of
1613 practice. If the department is required to seek enforcement of
1614 the cease and desist or agency order, it shall be entitled to
1615 collect attorney fees and costs.

1616 (c) In addition to or in lieu of any other administrative
1617 remedy, the department may seek the imposition of a civil
1618 penalty through the circuit court for any violation for which
1619 the department may issue a notice to cease and desist. The civil
1620 penalty shall be no less than \$5,000 and no more than \$10,000
1621 for each offense. The court may also award to the prevailing
1622 party court costs and reasonable attorney fees and, in the event
1623 the department prevails, may also award reasonable costs of
1624 investigation and prosecution.

20178Ae2

1625 (d) In addition to the other remedies provided in this
1626 section, the department or any state attorney may bring an
1627 action for an injunction to restrain any unlicensed activity or
1628 to enjoin the future operation or maintenance of the unlicensed
1629 activity or the performance of any service in violation of this
1630 section.

1631 (e) The department must notify local law enforcement of
1632 such unlicensed activity for a determination of any criminal
1633 violation of chapter 893.

1634 (14) EXCEPTIONS TO OTHER LAWS.—

1635 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1636 any other provision of law, but subject to the requirements of
1637 this section, a qualified patient and the qualified patient's
1638 caregiver may purchase from a medical marijuana treatment center
1639 for the patient's medical use a marijuana delivery device and up
1640 to the amount of marijuana authorized in the physician
1641 certification, but may not possess more than a 70-day supply of
1642 marijuana at any given time and all marijuana purchased must
1643 remain in its original packaging.

1644 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1645 any other provision of law, but subject to the requirements of
1646 this section, an approved medical marijuana treatment center and
1647 its owners, managers, and employees may manufacture, possess,
1648 sell, deliver, distribute, dispense, and lawfully dispose of
1649 marijuana or a marijuana delivery device as provided in this
1650 section, s. 381.988, and by department rule. For the purposes of
1651 this subsection, the terms "manufacture," "possession,"
1652 "deliver," "distribute," and "dispense" have the same meanings
1653 as provided in s. 893.02.

20178Ae2

1654 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1655 any other provision of law, but subject to the requirements of
1656 this section, a certified marijuana testing laboratory,
1657 including an employee of a certified marijuana testing
1658 laboratory acting within the scope of his or her employment, may
1659 acquire, possess, test, transport, and lawfully dispose of
1660 marijuana as provided in this section, in s. 381.988, and by
1661 department rule.

1662 (d) A licensed medical marijuana treatment center and its
1663 owners, managers, and employees are not subject to licensure or
1664 regulation under chapter 465 or chapter 499 for manufacturing,
1665 possessing, selling, delivering, distributing, dispensing, or
1666 lawfully disposing of marijuana or a marijuana delivery device,
1667 as provided in this section, s. 381.988, and by department rule.

1668 (e) This subsection does not exempt a person from
1669 prosecution for a criminal offense related to impairment or
1670 intoxication resulting from the medical use of marijuana or
1671 relieve a person from any requirement under law to submit to a
1672 breath, blood, urine, or other test to detect the presence of a
1673 controlled substance.

1674 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1675 any other provision of law, but subject to the requirements of
1676 this section and pursuant to policies and procedures established
1677 pursuant to s. 1006.62(8), school personnel may possess
1678 marijuana that is obtained for medical use pursuant to this
1679 section by a student who is a qualified patient.

1680 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1681 any other provision of law, but subject to the requirements of
1682 this section, a research institute established by a public

20178Ae2

1683 postsecondary educational institution, such as the H. Lee
1684 Moffitt Cancer Center and Research Institute, Inc., established
1685 under s. 1004.43, or a state university that has achieved the
1686 preeminent state research university designation under s.
1687 1001.7065 may possess, test, transport, and lawfully dispose of
1688 marijuana for research purposes as provided by this section.

1689 (15) APPLICABILITY.—This section does not limit the ability
1690 of an employer to establish, continue, or enforce a drug-free
1691 workplace program or policy. This section does not require an
1692 employer to accommodate the medical use of marijuana in any
1693 workplace or any employee working while under the influence of
1694 marijuana. This section does not create a cause of action
1695 against an employer for wrongful discharge or discrimination.
1696 Marijuana, as defined in this section, is not reimbursable under
1697 chapter 440.

1698 (16) FINES AND FEES.—Fines and fees collected by the
1699 department under this section shall be deposited in the Grants
1700 and Donations Trust Fund within the Department of Health.

1701 Section 4. Paragraph (uu) is added to subsection (1) of
1702 section 458.331, Florida Statutes, to read:

1703 458.331 Grounds for disciplinary action; action by the
1704 board and department.—

1705 (1) The following acts constitute grounds for denial of a
1706 license or disciplinary action, as specified in s. 456.072(2):

1707 (uu) Issuing a physician certification, as defined in s.
1708 381.986, in a manner out of compliance with the requirements of
1709 that section and rules adopted thereunder.

1710 Section 5. Paragraph (ww) is added to subsection (1) of
1711 section 459.015, Florida Statutes, to read:

20178Ae2

1712 459.015 Grounds for disciplinary action; action by the
1713 board and department.-

1714 (1) The following acts constitute grounds for denial of a
1715 license or disciplinary action, as specified in s. 456.072(2):

1716 (ww) Issuing a physician certification, as defined in s.
1717 381.986, in a manner not in compliance with the requirements of
1718 that section and rules adopted thereunder.

1719 Section 6. Section 381.988, Florida Statutes, is created to
1720 read:

1721 381.988 Medical marijuana testing laboratories; marijuana
1722 tests conducted by a certified laboratory.-

1723 (1) A person or entity seeking to be a certified marijuana
1724 testing laboratory must:

1725 (a) Not be owned or controlled by a medical marijuana
1726 treatment center.

1727 (b) Submit a completed application accompanied by an
1728 application fee, as established by department rule.

1729 (c) Submit proof of an accreditation or a certification
1730 approved by the department issued by an accreditation or a
1731 certification organization approved by the department. The
1732 department shall adopt by rule a list of approved laboratory
1733 accreditations or certifications and accreditation or
1734 certification organizations.

1735 (d) Require all owners and managers to submit to and pass a
1736 level 2 background screening pursuant to s. 435.04 and shall
1737 deny certification if the person or entity has been found guilty
1738 of, or has entered a plea of guilty or nolo contendere to,
1739 regardless of adjudication, any offense listed in chapter 837,
1740 chapter 895, or chapter 896 or similar law of another

20178Ae2

1741 jurisdiction.

1742 1. Such owners and managers must submit a full set of
1743 fingerprints to the department or to a vendor, entity, or agency
1744 authorized by s. 943.053(13). The department, vendor, entity, or
1745 agency shall forward the fingerprints to the Department of Law
1746 Enforcement for state processing, and the Department of Law
1747 Enforcement shall forward the fingerprints to the Federal Bureau
1748 of Investigation for national processing.

1749 2. Fees for state and federal fingerprint processing and
1750 retention shall be borne by such owners or managers. The state
1751 cost for fingerprint processing shall be as provided in s.
1752 943.053(3)(e) for records provided to persons or entities other
1753 than those specified as exceptions therein.

1754 3. Fingerprints submitted to the Department of Law
1755 Enforcement pursuant to this paragraph shall be retained by the
1756 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1757 (h) and, when the Department of Law Enforcement begins
1758 participation in the program, enrolled in the Federal Bureau of
1759 Investigation's national retained print arrest notification
1760 program. Any arrest record identified shall be reported to the
1761 department.

1762 (e) Demonstrate to the department the capability of meeting
1763 the standards for certification required by this subsection, and
1764 the testing requirements of s. 381.986 and this section and
1765 rules adopted thereunder.

1766 (2) The department shall adopt rules pursuant to ss.
1767 120.536(1) and 120.54 establishing a procedure for initial
1768 certification and biennial renewal, including initial
1769 application and biennial renewal fees sufficient to cover the

20178Ae2

1770 costs of administering this certification program. The
1771 department shall renew the certification biennially if the
1772 laboratory meets the requirements of this section and pays the
1773 biennial renewal fee.

1774 (3) The department shall adopt rules pursuant to ss.
1775 120.536(1) and 120.54 establishing the standards for
1776 certification of marijuana testing laboratories under this
1777 section. The Department of Agriculture and Consumer Services and
1778 the Department of Environmental Protection shall assist the
1779 department in developing the rule, which must include, but is
1780 not limited to:

1781 (a) Security standards.

1782 (b) Minimum standards for personnel.

1783 (c) Sample collection method and process standards.

1784 (d) Proficiency testing for tetrahydrocannabinol potency,
1785 concentration of cannabidiol, and contaminants unsafe for human
1786 consumption, as determined by department rule.

1787 (e) Reporting content, format, and frequency.

1788 (f) Audits and onsite inspections.

1789 (g) Quality assurance.

1790 (h) Equipment and methodology.

1791 (i) Chain of custody.

1792 (j) Any other standard the department deems necessary to
1793 ensure the health and safety of the public.

1794 (4) A marijuana testing laboratory may acquire marijuana
1795 only from a medical marijuana treatment center. A marijuana
1796 testing laboratory is prohibited from selling, distributing, or
1797 transferring marijuana received from a marijuana treatment
1798 center, except that a marijuana testing laboratory may transfer

20178Ae2

1799 a sample to another marijuana testing laboratory in this state.

1800 (5) A marijuana testing laboratory must properly dispose of
1801 all samples it receives, unless transferred to another marijuana
1802 testing laboratory, after all necessary tests have been
1803 conducted and any required period of storage has elapsed, as
1804 established by department rule.

1805 (6) A marijuana testing laboratory shall use the computer
1806 software tracking system selected by the department under s.
1807 381.986.

1808 (7) The following acts constitute grounds for which
1809 disciplinary action specified in subsection (8) may be taken
1810 against a certified marijuana testing laboratory:

1811 (a) Permitting unauthorized persons to perform technical
1812 procedures or issue reports.

1813 (b) Demonstrating incompetence or making consistent errors
1814 in the performance of testing or erroneous reporting.

1815 (c) Performing a test and rendering a report thereon to a
1816 person or entity not authorized by law to receive such services.

1817 (d) Failing to file any report required under this section
1818 or s. 381.986 or the rules adopted thereunder.

1819 (e) Reporting a test result if the test was not performed.

1820 (f) Failing to correct deficiencies within the time
1821 required by the department.

1822 (g) Violating or aiding and abetting in the violation of
1823 any provision of s. 381.986 or this section or any rules adopted
1824 thereunder.

1825 (8) The department may refuse to issue or renew, or may
1826 suspend or revoke, the certification of a marijuana testing
1827 laboratory that is found to be in violation of this section or

20178Ae2

1828 any rules adopted hereunder. The department may impose fines for
1829 violations of this section or rules adopted thereunder, based on
1830 a schedule adopted in rule. In determining the administrative
1831 action to be imposed for a violation, the department must
1832 consider the following factors:

1833 (a) The severity of the violation, including the
1834 probability of death or serious harm to the health or safety of
1835 any person that may result or has resulted; the severity or
1836 potential harm; and the extent to which s. 381.986 or this
1837 section were violated.

1838 (b) The actions taken by the marijuana testing laboratory
1839 to correct the violation or to remedy the complaint.

1840 (c) Any previous violation by the marijuana testing
1841 laboratory.

1842 (d) The financial benefit to the marijuana testing
1843 laboratory of committing or continuing the violation.

1844 (9) The department may adopt rules pursuant to ss.
1845 120.536(1) and 120.54 to implement this section.

1846 (10) Fees collected by the department under this section
1847 shall be deposited in the Grants and Donations Trust Fund within
1848 the Department of Health.

1849 Section 7. Section 381.989, Florida Statutes, is created to
1850 read:

1851 381.989 Public education campaigns.—

1852 (1) DEFINITIONS.—As used in this section, the term:

1853 (a) "Cannabis" has the same meaning as in s. 893.02.

1854 (b) "Department" means the Department of Health.

1855 (c) "Marijuana" has the same meaning as in s. 381.986.

1856 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT

20178Ae2

1857 USE PREVENTION CAMPAIGN.—

1858 (a) The department shall implement a statewide cannabis and
1859 marijuana education and illicit use prevention campaign to
1860 publicize accurate information regarding:

1861 1. The legal requirements for licit use and possession of
1862 marijuana in this state.

1863 2. Safe use of marijuana, including preventing access by
1864 persons other than qualified patients as defined in s. 381.986,
1865 particularly children.

1866 3. The short-term and long-term health effects of cannabis
1867 and marijuana use, particularly on minors and young adults.

1868 4. Other cannabis-related and marijuana-related education
1869 determined by the department to be necessary to the public
1870 health and safety.

1871 (b) The department shall provide educational materials
1872 regarding the eligibility for medical use of marijuana by
1873 individuals diagnosed with a terminal condition to individuals
1874 that provide palliative care or hospice services.

1875 (c) The department may use television messaging, radio
1876 broadcasts, print media, digital strategies, social media, and
1877 any other form of messaging deemed necessary and appropriate by
1878 the department to implement the campaign. The department may
1879 work with school districts, community organizations, and
1880 businesses and business organizations and other entities to
1881 provide training and programming.

1882 (d) The department may contract with one or more vendors to
1883 implement the campaign.

1884 (e) The department shall contract with an independent
1885 entity to conduct annual evaluations of the campaign. The

20178Ae2

1886 evaluations shall assess the reach and impact of the campaign,
1887 success in educating the citizens of the state regarding the
1888 legal parameters for marijuana use, success in preventing
1889 illicit access by adults and youth, and success in preventing
1890 negative health impacts from the legalization of marijuana. The
1891 first year of the program, the evaluator shall conduct surveys
1892 to establish baseline data on youth and adult cannabis use, the
1893 attitudes of youth and the general public toward cannabis and
1894 marijuana, and any other data deemed necessary for long-term
1895 analysis. By January 31 of each year, the department shall
1896 submit to the Governor, the President of the Senate, and the
1897 Speaker of the House of Representatives the annual evaluation of
1898 the campaign.

1899 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1900 (a) The Department of Highway Safety and Motor Vehicles
1901 shall implement a statewide impaired driving education campaign
1902 to raise awareness and prevent marijuana-related and cannabis-
1903 related impaired driving and may contract with one or more
1904 vendors to implement the campaign. The Department of Highway
1905 Safety and Motor Vehicles may use television messaging, radio
1906 broadcasts, print media, digital strategies, social media, and
1907 any other form of messaging deemed necessary and appropriate by
1908 the department to implement the campaign.

1909 (b) At a minimum, the Department of Highway Safety and
1910 Motor Vehicles or a contracted vendor shall establish baseline
1911 data on the number of marijuana-related citations for driving
1912 under the influence, marijuana-related traffic arrests,
1913 marijuana-related traffic accidents, and marijuana-related
1914 traffic fatalities, and shall track these measures annually

20178Ae2

1915 thereafter. The Department of Highway Safety and Motor Vehicles
1916 or a contracted vendor shall annually evaluate and compile a
1917 report on the efficacy of the campaign based on those measures
1918 and other measures established by the Department of Highway
1919 Safety and Motor Vehicles. By January 31 of each year, the
1920 Department of Highway Safety and Motor Vehicles shall submit the
1921 report on the evaluation of the campaign to the Governor, the
1922 President of the Senate, and the Speaker of the House of
1923 Representatives.

1924 Section 8. Subsection (1) of section 385.211, Florida
1925 Statutes, is amended to read:

1926 385.211 Refractory and intractable epilepsy treatment and
1927 research at recognized medical centers.—

1928 (1) As used in this section, the term "low-THC cannabis"
1929 means "low-THC cannabis" as defined in s. 381.986 that is
1930 dispensed only from a dispensing organization as defined in
1931 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1932 treatment center as defined in s. 381.986.

1933 Section 9. Paragraphs (b) through (e) of subsection (2) of
1934 section 499.0295, Florida Statutes, are redesignated as
1935 paragraphs (a) through (d), respectively, and present paragraphs
1936 (a) and (c) of that subsection, and subsection (3) of that
1937 section are amended, to read:

1938 499.0295 Experimental treatments for terminal conditions.—

1939 (2) As used in this section, the term:

1940 ~~(a) "Dispensing organization" means an organization~~
1941 ~~approved by the Department of Health under s. 381.986(5) to~~
1942 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
1943 ~~medical cannabis, and cannabis delivery devices.~~

20178Ae2

1944 (b) ~~(e)~~ "Investigational drug, biological product, or
1945 device" means:

1946 ~~1.~~ a drug, biological product, or device that has
1947 successfully completed phase 1 of a clinical trial but has not
1948 been approved for general use by the United States Food and Drug
1949 Administration and remains under investigation in a clinical
1950 trial approved by the United States Food and Drug
1951 Administration; ~~or~~

1952 ~~2. Medical cannabis that is manufactured and sold by a
1953 dispensing organization.~~

1954 (3) Upon the request of an eligible patient, a manufacturer
1955 may, ~~or upon a physician's order pursuant to s. 381.986, a
1956 dispensing organization may:~~

1957 (a) Make its investigational drug, biological product, or
1958 device available under this section.

1959 (b) Provide an investigational drug, biological product, or
1960 device, ~~or cannabis delivery device as defined in s. 381.986 to
1961 an eligible patient without receiving compensation.~~

1962 (c) Require an eligible patient to pay the costs of, or the
1963 costs associated with, the manufacture of the investigational
1964 drug, biological product, or device, ~~or cannabis delivery device
1965 as defined in s. 381.986.~~

1966 Section 10. Subsection (3) of section 893.02, Florida
1967 Statutes, is amended to read:

1968 893.02 Definitions.—The following words and phrases as used
1969 in this chapter shall have the following meanings, unless the
1970 context otherwise requires:

1971 (3) "Cannabis" means all parts of any plant of the genus
1972 *Cannabis*, whether growing or not; the seeds thereof; the resin

20178Ae2

1973 extracted from any part of the plant; and every compound,
1974 manufacture, salt, derivative, mixture, or preparation of the
1975 plant or its seeds or resin. The term does not include
1976 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1977 manufactured, possessed, sold, purchased, delivered,
1978 distributed, or dispensed, in conformance with s. 381.986.

1979 Section 11. Section 1004.4351, Florida Statutes, is created
1980 to read:

1981 1004.4351 Medical marijuana research and education.-

1982 (1) SHORT TITLE.-This section shall be known and may be
1983 cited as the "Medical Marijuana Research and Education Act."

1984 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

1985 (a) The present state of knowledge concerning the use of
1986 marijuana to alleviate pain and treat illnesses is limited
1987 because permission to perform clinical studies on marijuana is
1988 difficult to obtain, with access to research-grade marijuana so
1989 restricted that little or no unbiased studies have been
1990 performed.

1991 (b) Under the State Constitution, marijuana is available
1992 for the treatment of certain debilitating medical conditions.

1993 (c) Additional clinical studies are needed to ensure that
1994 the residents of this state obtain the correct dosing,
1995 formulation, route, modality, frequency, quantity, and quality
1996 of marijuana for specific illnesses.

1997 (d) An effective medical marijuana research and education
1998 program would mobilize the scientific, educational, and medical
1999 resources that presently exist in this state to determine the
2000 appropriate and best use of marijuana to treat illness.

2001 (3) DEFINITIONS.-As used in this section, the term:

20178Ae2

2002 (a) "Board" means the Medical Marijuana Research and
2003 Education Board.

2004 (b) "Coalition" means the Coalition for Medical Marijuana
2005 Research and Education.

2006 (c) "Marijuana" has the same meaning as provided in s. 29,
2007 Art. X of the State Constitution.

2008 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
2009 EDUCATION.—

2010 (a) There is established within the H. Lee Moffitt Cancer
2011 Center and Research Institute, Inc., the Coalition for Medical
2012 Marijuana Research and Education. The purpose of the coalition
2013 is to conduct rigorous scientific research, provide education,
2014 disseminate research, and guide policy for the adoption of a
2015 statewide policy on ordering and dosing practices for the
2016 medical use of marijuana. The coalition shall be physically
2017 located at the H. Lee Moffitt Cancer Center and Research
2018 Institute, Inc.

2019 (b) The Medical Marijuana Research and Education Board is
2020 established to direct the operations of the coalition. The board
2021 shall be composed of seven members appointed by the chief
2022 executive officer of the H. Lee Moffitt Cancer Center and
2023 Research Institute, Inc. Board members must have experience in a
2024 variety of scientific and medical fields, including, but not
2025 limited to, oncology, neurology, psychology, pediatrics,
2026 nutrition, and addiction. Members shall be appointed to 4-year
2027 terms and may be reappointed to serve additional terms. The
2028 chair shall be elected by the board from among its members to
2029 serve a 2-year term. The board shall meet at least semiannually
2030 at the call of the chair or, in his or her absence or

20178Ae2

2031 incapacity, the vice chair. Four members constitute a quorum. A
2032 majority vote of the members present is required for all actions
2033 of the board. The board may prescribe, amend, and repeal a
2034 charter governing the manner in which it conducts its business.
2035 A board member shall serve without compensation but is entitled
2036 to be reimbursed for travel expenses by the coalition or the
2037 organization he or she represents in accordance with s. 112.061.

2038 (c) The coalition shall be administered by a coalition
2039 director, who shall be appointed by and serve at the pleasure of
2040 the board. The coalition director shall, subject to the approval
2041 of the board:

2042 1. Propose a budget for the coalition.

2043 2. Foster the collaboration of scientists, researchers, and
2044 other appropriate personnel in accordance with the coalition's
2045 charter.

2046 3. Identify and prioritize the research to be conducted by
2047 the coalition.

2048 4. Prepare the Medical Marijuana Research and Education
2049 Plan for submission to the board.

2050 5. Apply for grants to obtain funding for research
2051 conducted by the coalition.

2052 6. Perform other duties as determined by the board.

2053 (d) The board shall advise the Board of Governors, the
2054 State Surgeon General, the Governor, and the Legislature with
2055 respect to medical marijuana research and education in this
2056 state. The board shall explore methods of implementing and
2057 enforcing medical marijuana laws in relation to cancer control,
2058 research, treatment, and education.

2059 (e) The board shall annually adopt a plan for medical

20178Ae2

2060 marijuana research, known as the "Medical Marijuana Research and
2061 Education Plan," which must be in accordance with state law and
2062 coordinate with existing programs in this state. The plan must
2063 include recommendations for the coordination and integration of
2064 medical, pharmacological, nursing, paramedical, community, and
2065 other resources connected with the treatment of debilitating
2066 medical conditions; research related to the treatment of such
2067 medical conditions; and education.

2068 (f) By February 15 of each year, the board shall issue a
2069 report to the Governor, the President of the Senate, and the
2070 Speaker of the House of Representatives on research projects,
2071 community outreach initiatives, and future plans for the
2072 coalition.

2073 (g) Beginning January 15, 2018, and quarterly thereafter,
2074 the Department of Health shall submit to the board a data set
2075 that includes, for each patient registered in the medical
2076 marijuana use registry, the patient's qualifying medical
2077 condition and the daily dose amount and forms of marijuana
2078 certified for the patient.

2079 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
2080 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
2081 and Research Institute, Inc., shall allocate staff and provide
2082 information and assistance, as the coalition's budget permits,
2083 to assist the board in fulfilling its responsibilities.

2084 Section 12. Subsection (1) of section 1004.441, Florida
2085 Statutes, is amended to read:

2086 1004.441 Refractory and intractable epilepsy treatment and
2087 research.—

2088 (1) As used in this section, the term "low-THC cannabis"

20178Ae2

2089 means "low-THC cannabis" as defined in s. 381.986 that is
2090 dispensed only from a dispensing organization as defined in
2091 former s. 381.986, Florida Statutes 2016, or a medical marijuana
2092 treatment center as defined in s. 381.986.

2093 Section 13. Subsection (8) is added to section 1006.062,
2094 Florida Statutes, to read:

2095 1006.062 Administration of medication and provision of
2096 medical services by district school board personnel.—

2097 (8) Each district school board shall adopt a policy and a
2098 procedure for allowing a student who is a qualified patient, as
2099 defined in s. 381.986, to use marijuana obtained pursuant to
2100 that section. Such policy and procedure shall ensure access by
2101 the qualified patient; identify how the marijuana will be
2102 received, accounted for, and stored; and establish processes to
2103 prevent access by other students and school personnel whose
2104 access would be unnecessary for the implementation of the
2105 policy.

2106 Section 14. Department of Health; authority to adopt rules;
2107 cause of action.—

2108 (1) EMERGENCY RULEMAKING.—

2109 (a) The Department of Health and the applicable boards
2110 shall adopt emergency rules pursuant to s. 120.54(4), Florida
2111 Statutes, and this section necessary to implement ss. 381.986
2112 and 381.988, Florida Statutes. If an emergency rule adopted
2113 under this section is held to be unconstitutional or an invalid
2114 exercise of delegated legislative authority, and becomes void,
2115 the department or the applicable boards may adopt an emergency
2116 rule pursuant to this section to replace the rule that has
2117 become void. If the emergency rule adopted to replace the void

20178Ae2

2118 emergency rule is also held to be unconstitutional or an invalid
2119 exercise of delegated legislative authority and becomes void,
2120 the department and the applicable boards must follow the
2121 nonemergency rulemaking procedures of the Administrative
2122 Procedures Act to replace the rule that has become void.

2123 (b) For emergency rules adopted under this section, the
2124 department and the applicable boards need not make the findings
2125 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
2126 adopted under this section are exempt from ss. 120.54(3)(b) and
2127 120.541, Florida Statutes. The department and the applicable
2128 boards shall meet the procedural requirements in s. 120.54(a),
2129 Florida Statutes, if the department or the applicable boards
2130 have, before the effective date of this act, held any public
2131 workshops or hearings on the subject matter of the emergency
2132 rules adopted under this subsection. Challenges to emergency
2133 rules adopted under this subsection are subject to the time
2134 schedules provided in s. 120.56(5), Florida Statutes.

2135 (c) Emergency rules adopted under this section are exempt
2136 from s. 120.54(4)(c), Florida Statutes, and shall remain in
2137 effect until replaced by rules adopted under the nonemergency
2138 rulemaking procedures of the Administrative Procedures Act. By
2139 January 1, 2018, the department and the applicable boards shall
2140 initiate nonemergency rulemaking pursuant to the Administrative
2141 Procedures Act to replace all emergency rules adopted under this
2142 section by publishing a notice of rule development in the
2143 Florida Administrative Register. Except as provided in paragraph
2144 (a), after January 1, 2018, the department and applicable boards
2145 may not adopt rules pursuant to the emergency rulemaking
2146 procedures provided in this section.

20178Ae2

2147 (2) CAUSE OF ACTION.—

2148 (a) As used in s. 29(d)(3), Article X of the State
2149 Constitution, the term:

2150 1. "Issue regulations" means the filing by the department
2151 of a rule or emergency rule for adoption with the Department of
2152 State.

2153 2. "Judicial relief" means an action for declaratory
2154 judgment pursuant to chapter 86, Florida Statutes.

2155 (b) The venue for actions brought against the department
2156 pursuant to s. 29(d)(3), Article X of the State Constitution
2157 shall be in the circuit court in and for Leon County.

2158 (c) If the department is not issuing patient and caregiver
2159 identification cards or licensing medical marijuana treatment
2160 centers by October 3, 2017, the following shall be a defense to
2161 a cause of action brought under s. 29(d)(3), Article X of the
2162 State Constitution:

2163 1. The department is unable to issue patient and caregiver
2164 identification cards or license medical marijuana treatment
2165 centers due to litigation challenging a rule as an invalid
2166 exercise of delegated legislative authority or unconstitutional.

2167 2. The department is unable to issue patient or caregiver
2168 identification cards or license medical marijuana treatment
2169 centers due to a rule being held as an invalid exercise of
2170 delegated legislative authority or unconstitutional.

2171 Section 15. Department of Law Enforcement; training related
2172 to medical use of marijuana.—The Department of Law Enforcement
2173 shall develop a 4-hour online initial training course, and a 2-
2174 hour online continuing education course, which shall be made
2175 available for use by all law enforcement agencies in this state.

20178Ae2

2176 Such training shall cover the legal parameters of marijuana-
2177 related activities governed by ss. 381.986 and 381.988, Florida
2178 Statutes, relating to criminal laws governing marijuana.

2179 Section 16. Section 385.212, Florida Statutes, is amended
2180 to read:

2181 385.212 Powers and duties of the Department of Health;
2182 Office of Medical Marijuana ~~Compassionate~~ Use.-

2183 (1) The Department of Health shall establish an Office of
2184 Medical Marijuana ~~Compassionate~~ Use under the direction of the
2185 Deputy State Health Officer.

2186 (2) The Office of Medical Marijuana ~~Compassionate~~ Use may
2187 enhance access to investigational new drugs for Florida patients
2188 through approved clinical treatment plans or studies. The Office
2189 of Medical Marijuana ~~Compassionate~~ Use may:

2190 (a) Create a network of state universities and medical
2191 centers recognized pursuant to s. 381.925.

2192 (b) Make any necessary application to the United States
2193 Food and Drug Administration or a pharmaceutical manufacturer to
2194 facilitate enhanced access to medical ~~compassionate~~ use of
2195 marijuana for Florida patients.

2196 (c) Enter into any agreements necessary to facilitate
2197 enhanced access to medical ~~compassionate~~ use of marijuana for
2198 Florida patients.

2199 (3) The department may adopt rules necessary to implement
2200 this section.

2201 (4) The Office of Medical Marijuana Use shall administer
2202 and enforce s. 381.986.

2203 Section 17. If any provision of this act or its application
2204 to any person or circumstance is held invalid, the invalidity

20178Ae2

2205 does not affect other provisions or applications of this act
2206 which can be given effect without the invalid provision or
2207 application, and to this end the provisions of this act are
2208 severable.

2209 Section 18. The Division of Law Revision and Information is
2210 directed to replace the phrase "the effective date of this act"
2211 wherever it occurs in this act with the date the act becomes a
2212 law.

2213 Section 19. (1) For the 2017-2018 fiscal year, 55 full-time
2214 equivalent positions, with associated salary rate of 2,198,860,
2215 are authorized and the sums of \$3.5 million in nonrecurring
2216 funds from the General Revenue Fund and \$4,055,292 in recurring
2217 funds and \$1,238,148 in nonrecurring funds from the Grants and
2218 Donations Trust Fund are appropriated to the Department of
2219 Health for the purpose of implementing the requirements of this
2220 act. Of the funds appropriated, \$3,158,572 in recurring funds
2221 and \$1,238,148 in nonrecurring funds from the Grants and
2222 Donations Trust Fund and 27 full-time equivalent positions shall
2223 be placed in reserve. The Department of Health is authorized to
2224 submit budget amendments requesting the release of funds being
2225 held in reserve pursuant to chapter 216, Florida Statutes
2226 contingent upon need and demonstration of fee collections to
2227 support the budget authority.

2228 (2) For the 2017-2018 fiscal year, the sum of \$500,000 in
2229 nonrecurring funds from the General Revenue Fund is appropriated
2230 to the Department of Health to implement the statewide cannabis
2231 and marijuana education and illicit use prevention campaign
2232 established under s. 381.989, Florida Statutes.

2233 (3) For the 2017-2018 fiscal year, the sum of \$5 million in

20178Ae2

2234 nonrecurring funds from the Highway Safety Operating Trust Fund
2235 are appropriated to the Department of Highway Safety and Motor
2236 Vehicles to implement the statewide impaired driving education
2237 campaign established under s. 381.989, Florida Statutes.

2238 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
2239 recurring funds from the Highway Safety Operating Trust Fund is
2240 appropriated to the Department of Highway Safety and Motor
2241 Vehicles for the purpose of training additional law enforcement
2242 officers as drug recognition experts.

2243 (5) For the 2017-2018 fiscal year, the sum of \$750,000 in
2244 nonrecurring funds from the General Revenue Fund is provided for
2245 the Coalition for Medicinal Cannabis Research and Education at
2246 the H. Lee Moffitt Cancer Center and Research Institute, Inc.,
2247 to conduct medical cannabis research.

2248 Section 20. This act shall take effect upon becoming a law.