

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: July 12, 2018

FILE: 18-T-30

TO: Planning and Development Board/Local Planning Agency

VIA: Leslie A. Del Monte, Planning Manager

FROM: Deandrea Moise, Planning Administrator

SUBJECT: The City of Hollywood requests a Text Amendment amending Article 2 of the Zoning and Land Development Regulations entitled "Definitions" by amending Section 2.2 "Terms Defined" by revising the definition of Pharmacy to include a Medical Marijuana Treatment Center Dispensing Facility; defining a Medical Marijuana Treatment Center Dispensing Facility; amending Article 3 Section 3.23 "Distance Separation Requirements" to provide for the separation of treatment center dispensing facilities from schools.

REQUEST:

Text Amendment amending Article 2 of the Zoning and Land Development Regulations entitled "Definitions" by amending Section 2.2 "Terms Defined" by revising the definition of Pharmacy to include a Medical Marijuana Treatment Center Dispensing Facility; defining a Medical Marijuana Treatment Center Dispensing Facility; amending Article 3 Section 3.23 "Distance Separation Requirements" to provide for the separation of treatment center dispensing facilities from schools.

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency forward a ***recommendation of Approval*** to the City Commission.

BACKGROUND

At the February 1, 2017, City Commission meeting, the City Commission passed and adopted Chapter 109a of the City of Hollywood Code of Ordinances titled "Medical Marijuana Businesses" establishing regulations and guidelines for such use. As this was an amendment to the Code of Ordinances, it did not require a recommendation by the Planning and Development Board. Following the adoption of this chapter, the State adopted legislature stating that cities are not permitted to establish supplementary regulations as it relates to Medical Marijuana Treatment Center Dispensing Facilities; and shall treat such uses in the same manner in which pharmacies are treated.

REQUEST

In effort to comply with State requirements, the text amendment proposes to amend Article 2 and Article 3 of the Zoning and Land Development Regulations, to include Medical Marijuana Treatment

Center Dispensing Facility in the definition of Pharmacy, as well as define Medical Marijuana Treatment Center Dispensing Facility and provide required distance separation requirements from schools. At the Commission, this item will be considered concurrently with the repeal of the previously mentioned Chapter 109a of the Code of Ordinances (18-T-29). This would eliminate conflict and ensure compliance with the State.

The request proposes to amend Article 2 and 3 in the following manner:

PHARMACY. A retail establishment primarily offering goods for retail sale and on-site dispensing of prescription drugs, nonprescription drugs or both. A pharmacy may also offer accessory services such a photo processing, eyeglass care etc. For purposes of this definition a Medical Marijuana Treatment Center Dispensing Facility shall be treated as a Pharmacy.

MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY. Any facility where medical marijuana or any product derived therefrom is dispensed at retail.

A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the city approves the location through a formal proceeding open to the public at which the city determines that the location promotes the public health, safety, and general welfare of the community, as provided for in Florida Statute 381.986.

SITE INFORMATION

Owner/Applicant: City of Hollywood
Address/Location: City-wide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment are consistent with the Comprehensive Plan, based upon the following:

Goal: *Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property.*

Objective 5: *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination.*

The proposed text amendment is consistent with the City's Comprehensive Plan goal to encourage positive economic development by providing consistency with the State legislature and further defining the use to eliminate conflict.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future

direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood’s Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed amendment is consistent with policies of the City’s Comprehensive Plan, however the proposed text amendment is to comply with State regulations as it relates to the use of Medical Marijuana Treatment Center Dispensing Facility.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: As uses and State regulations begin to evolve, the City must amend the regulations from time to time to be consistent with the State requirements. As stated previously in effort to comply with State law, the City must treat Medical Marijuana Treatment Center Dispensing Facilities in the same manner in which pharmacies are treated. As such the proposed text amendment is required to define Medical Marijuana Treatment Center Dispensing Facility and include it in the definition of Pharmacy.

FINDING: Consistent

ATTACHMENTS

ATTACHMENT A: Preemption Language

ATTACHMENT B: Existing Pharmacy Regulations: Article 3.23 of the Zoning and Land Development regulations.

ATTACHMENT C: Existing Regulations: Chapter 109a of the Code of Ordinances

ATTACHMENT A
Preemption Language

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1
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

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

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

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

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

133
134 Be It Enacted by the Legislature of the State of Florida:

135
136 Section 1. Legislative intent.—It is the intent of the
137 Legislature to implement s. 29, Article X of the State
138 Constitution by creating a unified regulatory structure. If s.
139 29, Article X of the State Constitution is amended or a
140 constitutional amendment related to cannabis or marijuana is
141 adopted, this act shall expire 6 months after the effective date
142 of such amendment.

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

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146 read:

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

153 (2) EXEMPTIONS; MEDICAL.—

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

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

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

161 381.986 Medical use of marijuana.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

260 (a) Cancer.

261 (b) Epilepsy.

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

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

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

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

306 (4) PHYSICIAN CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

364 d. The potential for addiction.

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

370 f. The potential side effects of marijuana use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

461 (5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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552 (6) CAREGIVERS.—

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

558 (b) A caregiver must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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610 not purchase marijuana.

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

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

619 (7) IDENTIFICATION CARDS.—

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

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

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

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

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

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

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639 caregiver is assisting.

640 6. The expiration date of the identification card.

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

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

650 (d) Applications for identification cards must be submitted
651 on a form prescribed by the department. The department may
652 charge a reasonable fee associated with the issuance,
653 replacement, and renewal of identification cards. The department
654 shall allocate \$10 of the identification card fee to the
655 Division of Research at Florida Agricultural and Mechanical
656 University for the purpose of educating minorities about
657 marijuana for medical use and the impact of the unlawful use of
658 marijuana on minority communities. The department 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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784 Martin, Monroe, and Palm Beach Counties.

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

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

808

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

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813 end, the provisions of this subparagraph are severable.
814 (b) An applicant for licensure as a medical marijuana
815 treatment center shall apply to the department on a form
816 prescribed by the department and adopted in rule. The department
817 shall adopt rules pursuant to ss. 120.536(1) and 120.54
818 establishing a procedure for the issuance and biennial renewal
819 of licenses, including initial application and biennial renewal
820 fees sufficient to cover the costs of implementing and
821 administering this section, and establishing supplemental
822 licensure fees for payment beginning May 1, 2018, sufficient to
823 cover the costs of administering ss. 381.989 and 1004.4351. The
824 department shall identify applicants with strong diversity plans
825 reflecting this state's commitment to diversity and implement
826 training programs and other educational programs to enable
827 minority persons and minority business enterprises, as defined
828 in s. 288.703, and veteran business enterprises, as defined in
829 s. 295.187, to compete for medical marijuana treatment center
830 licensure and contracts. Subject to the requirements in
831 subparagraphs (a)2.-4., the department shall issue a license to
832 an applicant if the applicant meets the requirements of this
833 section and pays the initial application fee. The department
834 shall renew the licensure of a medical marijuana treatment
835 center biennially if the licensee meets the requirements of this
836 section and pays the biennial renewal fee. An individual may not
837 be an applicant, owner, officer, board member, or manager on
838 more than one application for licensure as a medical marijuana
839 treatment center. An individual or entity may not be awarded
840 more than one license as a medical marijuana treatment center.
841 An applicant for licensure as a medical marijuana treatment

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842 center must demonstrate:

843 1. That, for the 5 consecutive years before submitting the
844 application, the applicant has been registered to do business in
845 in the state.

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

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

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

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

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

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

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

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871 bond.

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

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

885 9. The employment of a medical director to supervise the
886 activities of the medical marijuana treatment center.

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

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

896 b. Efforts to recruit minority persons and veterans for
897 employment; and

898 c. A record of contracts for services with minority
899 business enterprises and veteran business enterprises.

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900 (c) A medical marijuana treatment center may not make a
901 wholesale purchase of marijuana from, or a distribution of
902 marijuana to, another medical marijuana treatment center, unless
903 the medical marijuana treatment center seeking to make a
904 wholesale purchase of marijuana submits proof of harvest failure
905 to the department.

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

928 (e) A licensed medical marijuana treatment center shall

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

954 1. A licensed medical marijuana treatment center may
955 transfer ownership to an individual or entity who meets the
956 requirements of this section. A publicly traded corporation or
957 publicly traded company that meets the requirements of this

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958 section is not precluded from ownership of a medical marijuana
959 treatment center. To accommodate a change in ownership:

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

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

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

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

977
978 Within 30 days after the receipt of a complete application, the
979 department shall approve or deny the application.

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

986 3. A medical marijuana treatment center may not enter into

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987 any form of profit-sharing arrangement with the property owner
988 or lessor of any of its facilities where cultivation,
989 processing, storing, or dispensing of marijuana and marijuana
990 delivery devices occurs.

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

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

998 6. When growing marijuana, a medical marijuana treatment
999 center:

1000 a. May use pesticides determined by the department, after
1001 consultation with the Department of Agriculture and Consumer
1002 Services, to be safely applied to plants intended for human
1003 consumption, but may not use pesticides designated as
1004 restricted-use pesticides pursuant to s. 487.042.

1005 b. Must grow marijuana within an enclosed structure and in
1006 a room separate from any other plant.

1007 c. Must inspect seeds and growing plants for plant pests
1008 that endanger or threaten the horticultural and agricultural
1009 interests of the state in accordance with chapter 581 and any
1010 rules adopted thereunder.

1011 d. Must perform fumigation or treatment of plants, or
1012 remove and destroy infested or infected plants, in accordance
1013 with chapter 581 and any rules adopted thereunder.

1014 7. Each medical marijuana treatment center must produce and
1015 make available for purchase at least one low-THC cannabis

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1016 product.

1017 8. A medical marijuana treatment center that produces
1018 edibles must hold a permit to operate as a food establishment
1019 pursuant to chapter 500, the Florida Food Safety Act, and must
1020 comply with all the requirements for food establishments
1021 pursuant to chapter 500 and any rules adopted thereunder.
1022 Edibles may not contain more than 200 milligrams of
1023 tetrahydrocannabinol and a single serving portion of an edible
1024 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
1025 may have a potency variance of no greater than 15 percent.
1026 Edibles may not be attractive to children; be manufactured in
1027 the shape of humans, cartoons, or animals; be manufactured in a
1028 form that bears any reasonable resemblance to products available
1029 for consumption as commercially available candy; or contain any
1030 color additives. To discourage consumption of edibles by
1031 children, the department shall determine by rule any shapes,
1032 forms, and ingredients allowed and prohibited for edibles.
1033 Medical marijuana treatment centers may not begin processing or
1034 dispensing edibles until after the effective date of the rule.
1035 The department shall also adopt sanitation rules providing the
1036 standards and requirements for the storage, display, or
1037 dispensing of edibles.

1038 9. Within 12 months after licensure, a medical marijuana
1039 treatment center must demonstrate to the department that all of
1040 its processing facilities have passed a Food Safety Good
1041 Manufacturing Practices, such as Global Food Safety Initiative
1042 or equivalent, inspection by a nationally accredited certifying
1043 body. A medical marijuana treatment center must immediately stop
1044 processing at any facility which fails to pass this inspection

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1045 until it demonstrates to the department that such facility has
1046 met this requirement.

1047 10. When processing marijuana, a medical marijuana
1048 treatment center must:

1049 a. Process the marijuana within an enclosed structure and
1050 in a room separate from other plants or products.

1051 b. Comply with department rules when processing marijuana
1052 with hydrocarbon solvents or other solvents or gases exhibiting
1053 potential toxicity to humans. The department shall determine by
1054 rule the requirements for medical marijuana treatment centers to
1055 use such solvents or gases exhibiting potential toxicity to
1056 humans.

1057 c. Comply with federal and state laws and regulations and
1058 department rules for solid and liquid wastes. The department
1059 shall determine by rule procedures for the storage, handling,
1060 transportation, management, and disposal of solid and liquid
1061 waste generated during marijuana production and processing. The
1062 Department of Environmental Protection shall assist the
1063 department in developing such rules.

1064 d. Test the processed marijuana using a medical marijuana
1065 testing laboratory before it is dispensed. Results must be
1066 verified and signed by two medical marijuana treatment center
1067 employees. Before dispensing, the medical marijuana treatment
1068 center must determine that the test results indicate that low-
1069 THC cannabis meets the definition of low-THC cannabis, the
1070 concentration of tetrahydrocannabinol meets the potency
1071 requirements of this section, the labeling of the concentration
1072 of tetrahydrocannabinol and cannabidiol is accurate, and all
1073 marijuana is safe for human consumption and free from

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1074 contaminants that are unsafe for human consumption. The
1075 department shall determine by rule which contaminants must be
1076 tested for and the maximum levels of each contaminant which are
1077 safe for human consumption. The Department of Agriculture and
1078 Consumer Services shall assist the department in developing the
1079 testing requirements for contaminants that are unsafe for human
1080 consumption in edibles. The department shall also determine by
1081 rule the procedures for the treatment of marijuana that fails to
1082 meet the testing requirements of this section, s. 381.988, or
1083 department rule. The department may select a random sample from
1084 edibles available for purchase in a dispensing facility which
1085 shall be tested by the department to determine that the edible
1086 meets the potency requirements of this section, is safe for
1087 human consumption, and the labeling of the tetrahydrocannabinol
1088 and cannabidiol concentration is accurate. A medical marijuana
1089 treatment center may not require payment from the department for
1090 the sample. A medical marijuana treatment center must recall
1091 edibles, including all edibles made from the same batch of
1092 marijuana, which fail to meet the potency requirements of this
1093 section, which are unsafe for human consumption, or for which
1094 the labeling of the tetrahydrocannabinol and cannabidiol
1095 concentration is inaccurate. The medical marijuana treatment
1096 center must retain records of all testing and samples of each
1097 homogenous batch of marijuana for at least 9 months. The medical
1098 marijuana treatment center must contract with a marijuana
1099 testing laboratory to perform audits on the medical marijuana
1100 treatment center's standard operating procedures, testing
1101 records, and samples and provide the results to the department
1102 to confirm that the marijuana or low-THC cannabis meets the

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1103 requirements of this section and that the marijuana or low-THC
1104 cannabis is safe for human consumption. A medical marijuana
1105 treatment center shall reserve two processed samples from each
1106 batch and retain such samples for at least 9 months for the
1107 purpose of such audits. A medical marijuana treatment center may
1108 use a laboratory that has not been certified by the department
1109 under s. 381.988 until such time as at least one laboratory
1110 holds the required certification, but in no event later than
1111 July 1, 2018.

1112 e. Package the marijuana in compliance with the United
1113 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
1114 1471 et seq.

1115 f. Package the marijuana in a receptacle that has a firmly
1116 affixed and legible label stating the following information:

1117 (I) The marijuana or low-THC cannabis meets the
1118 requirements of sub-subparagraph d.

1119 (II) The name of the medical marijuana treatment center
1120 from which the marijuana originates.

1121 (III) The batch number and harvest number from which the
1122 marijuana originates and the date dispensed.

1123 (IV) The name of the physician who issued the physician
1124 certification.

1125 (V) The name of the patient.

1126 (VI) The product name, if applicable, and dosage form,
1127 including concentration of tetrahydrocannabinol and cannabidiol.
1128 The product name may not contain wording commonly associated
1129 with products marketed by or to children.

1130 (VII) The recommended dose.

1131 (VIII) A warning that it is illegal to transfer medical

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1132 marijuana to another person.

1133 (IX) A marijuana universal symbol developed by the
1134 department.

1135 11. The medical marijuana treatment center shall include in
1136 each package a patient package insert with information on the
1137 specific product dispensed related to:

1138 a. Clinical pharmacology.

1139 b. Indications and use.

1140 c. Dosage and administration.

1141 d. Dosage forms and strengths.

1142 e. Contraindications.

1143 f. Warnings and precautions.

1144 g. Adverse reactions.

1145 12. Each edible shall be individually sealed in plain,
1146 opaque wrapping marked only with the marijuana universal symbol.
1147 Where practical, each edible shall be marked with the marijuana
1148 universal symbol. In addition to the packaging and labeling
1149 requirements in subparagraphs 10. and 11., edible receptacles
1150 must be plain, opaque, and white without depictions of the
1151 product or images other than the medical marijuana treatment
1152 center's department-approved logo and the marijuana universal
1153 symbol. The receptacle must also include a list all of the
1154 edible's ingredients, storage instructions, an expiration date,
1155 a legible and prominent warning to keep away from children and
1156 pets, and a warning that the edible has not been produced or
1157 inspected pursuant to federal food safety laws.

1158 13. When dispensing marijuana or a marijuana delivery
1159 device, a medical marijuana treatment center:

1160 a. May dispense any active, valid order for low-THC

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1161 cannabis, medical cannabis and cannabis delivery devices issued
1162 pursuant to former s. 381.986, Florida Statutes 2016, which was
1163 entered into the medical marijuana use registry before July 1,
1164 2017.

1165 b. May not dispense more than a 70-day supply of marijuana
1166 to a qualified patient or caregiver.

1167 c. Must have the medical marijuana treatment center's
1168 employee who dispenses the marijuana or a marijuana delivery
1169 device enter into the medical marijuana use registry his or her
1170 name or unique employee identifier.

1171 d. Must verify that the qualified patient and the
1172 caregiver, if applicable, each has an active registration in the
1173 medical marijuana use registry and an active and valid medical
1174 marijuana use registry identification card, the amount and type
1175 of marijuana dispensed matches the physician certification in
1176 the medical marijuana use registry for that qualified patient,
1177 and the physician certification has not already been filled.

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

1182 f. May not dispense or sell any other type of cannabis,
1183 alcohol, or illicit drug-related product, including pipes,
1184 bongs, or wrapping papers, other than a marijuana delivery
1185 device required for the medical use of marijuana and which is
1186 specified in a physician certification.

1187 g. Must, upon dispensing the marijuana or marijuana
1188 delivery device, record in the registry the date, time,
1189 quantity, and form of marijuana dispensed; the type of marijuana

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1190 delivery device dispensed; and the name and medical marijuana
1191 use registry identification number of the qualified patient or
1192 caregiver to whom the marijuana delivery device was dispensed.

1193 h. Must ensure that patient records are not visible to
1194 anyone other than the qualified patient, his or her caregiver,
1195 and authorized medical marijuana treatment center employees.

1196 (f) To ensure the safety and security of premises where the
1197 cultivation, processing, storing, or dispensing of marijuana
1198 occurs, and to maintain adequate controls against the diversion,
1199 theft, and loss of marijuana or marijuana delivery devices, a
1200 medical marijuana treatment center shall:

1201 1.a. Maintain a fully operational security alarm system
1202 that secures all entry points and perimeter windows and is
1203 equipped with motion detectors; pressure switches; and duress,
1204 panic, and hold-up alarms; and

1205 b. Maintain a video surveillance system that records
1206 continuously 24 hours a day and meets the following criteria:

1207 (I) Cameras are fixed in a place that allows for the clear
1208 identification of persons and activities in controlled areas of
1209 the premises. Controlled areas include grow rooms, processing
1210 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1211 rooms.

1212 (II) Cameras are fixed in entrances and exits to the
1213 premises, which shall record from both indoor and outdoor, or
1214 ingress and egress, vantage points.

1215 (III) Recorded images must clearly and accurately display
1216 the time and date.

1217 (IV) Retain video surveillance recordings for at least 45
1218 days or longer upon the request of a law enforcement agency.

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1219 2. Ensure that the medical marijuana treatment center's
1220 outdoor premises have sufficient lighting from dusk until dawn.

1221 3. Ensure that the indoor premises where dispensing occurs
1222 includes a waiting area with sufficient space and seating to
1223 accommodate qualified patients and caregivers and at least one
1224 private consultation area that is isolated from the waiting area
1225 and area where dispensing occurs. A medical marijuana treatment
1226 center may not display products or dispense marijuana or
1227 marijuana delivery devices in the waiting area.

1228 4. Not dispense from its premises marijuana or a marijuana
1229 delivery device between the hours of 9 p.m. and 7 a.m., but may
1230 perform all other operations and deliver marijuana to qualified
1231 patients 24 hours a day.

1232 5. Store marijuana in a secured, locked room or a vault.

1233 6. Require at least two of its employees, or two employees
1234 of a security agency with whom it contracts, to be on the
1235 premises at all times where cultivation, processing, or storing
1236 of marijuana occurs.

1237 7. Require each employee or contractor to wear a photo
1238 identification badge at all times while on the premises.

1239 8. Require each visitor to wear a visitor pass at all times
1240 while on the premises.

1241 9. Implement an alcohol and drug-free workplace policy.

1242 10. Report to local law enforcement within 24 hours after
1243 the medical marijuana treatment center is notified or becomes
1244 aware of the theft, diversion, or loss of marijuana.

1245 (g) To ensure the safe transport of marijuana and marijuana
1246 delivery devices to medical marijuana treatment centers,
1247 marijuana testing laboratories, or qualified patients, a medical

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1248 marijuana treatment center must:

1249 1. Maintain a marijuana transportation manifest in any

1250 vehicle transporting marijuana. The marijuana transportation

1251 manifest must be generated from a medical marijuana treatment

1252 center's seed-to-sale tracking system and include the:

1253 a. Departure date and approximate time of departure.

1254 b. Name, location address, and license number of the

1255 originating medical marijuana treatment center.

1256 c. Name and address of the recipient of the delivery.

1257 d. Quantity and form of any marijuana or marijuana delivery

1258 device being transported.

1259 e. Arrival date and estimated time of arrival.

1260 f. Delivery vehicle make and model and license plate

1261 number.

1262 g. Name and signature of the medical marijuana treatment

1263 center employees delivering the product.

1264 (I) A copy of the marijuana transportation manifest must be

1265 provided to each individual, medical marijuana treatment center,

1266 or marijuana testing laboratory that receives a delivery. The

1267 individual, or a representative of the center or laboratory,

1268 must sign a copy of the marijuana transportation manifest

1269 acknowledging receipt.

1270 (II) An individual transporting marijuana or a marijuana

1271 delivery device must present a copy of the relevant marijuana

1272 transportation manifest and his or her employee identification

1273 card to a law enforcement officer upon request.

1274 (III) Medical marijuana treatment centers and marijuana

1275 testing laboratories must retain copies of all marijuana

1276 transportation manifests for at least 3 years.

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1277 2. Ensure only vehicles in good working order are used to
1278 transport marijuana.

1279 3. Lock marijuana and marijuana delivery devices in a
1280 separate compartment or container within the vehicle.

1281 4. Require employees to have possession of their employee
1282 identification card at all times when transporting marijuana or
1283 marijuana delivery devices.

1284 5. Require at least two persons to be in a vehicle
1285 transporting marijuana or marijuana delivery devices, and
1286 require at least one person to remain in the vehicle while the
1287 marijuana or marijuana delivery device is being delivered.

1288 6. Provide specific safety and security training to
1289 employees transporting or delivering marijuana and marijuana
1290 delivery devices.

1291 (h) A medical marijuana treatment center may not engage in
1292 advertising that is visible to members of the public from any
1293 street, sidewalk, park, or other public place, except:

1294 1. The dispensing location of a medical marijuana treatment
1295 center may have a sign that is affixed to the outside or hanging
1296 in the window of the premises which identifies the dispensary by
1297 the licensee's business name, a department-approved trade name,
1298 or a department-approved logo. A medical marijuana treatment
1299 center's trade name and logo may not contain wording or images
1300 commonly associated with marketing targeted toward children or
1301 which promote recreational use of marijuana.

1302 2. A medical marijuana treatment center may engage in
1303 Internet advertising and marketing under the following
1304 conditions:

1305 a. All advertisements must be approved by the department.

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1306 b. An advertisement may not have any content that
1307 specifically targets individuals under the age of 18, including
1308 cartoon characters or similar images.

1309 c. An advertisement may not be an unsolicited pop-up
1310 advertisement.

1311 d. Opt-in marketing must include an easy and permanent opt-
1312 out feature.

1313 (i) Each medical marijuana treatment center that dispenses
1314 marijuana and marijuana delivery devices shall make available to
1315 the public on its website:

1316 1. Each marijuana and low-THC product available for
1317 purchase, including the form, strain of marijuana from which it
1318 was extracted, cannabidiol content, tetrahydrocannabinol
1319 content, dose unit, total number of doses available, and the
1320 ratio of cannabidiol to tetrahydrocannabinol for each product.

1321 2. The price for a 30-day, 50-day, and 70-day supply at a
1322 standard dose for each marijuana and low-THC product available
1323 for purchase.

1324 3. The price for each marijuana delivery device available
1325 for purchase.

1326 4. If applicable, any discount policies and eligibility
1327 criteria for such discounts.

1328 (j) Medical marijuana treatment centers are the sole source
1329 from which a qualified patient may legally obtain marijuana.

1330 (k) The department may adopt rules pursuant to ss.
1331 120.536(1) and 120.54 to implement this subsection.

1332 (9) BACKGROUND SCREENING.-An individual required to undergo
1333 a background screening pursuant to this section must pass a
1334 level 2 background screening as provided under chapter 435,

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1335 which, in addition to the disqualifying offenses provided in s.
1336 435.04, shall exclude an individual who has an arrest awaiting
1337 final disposition for, has been found guilty of, regardless of
1338 adjudication, or has entered a plea of nolo contendere or guilty
1339 to an offense under chapter 837, chapter 895, or chapter 896 or
1340 similar law of another jurisdiction.

1341 (a) Such individual must submit a full set of fingerprints
1342 to the department or to a vendor, entity, or agency authorized
1343 by s. 943.053(13). The department, vendor, entity, or agency
1344 shall forward the fingerprints to the Department of Law
1345 Enforcement for state processing, and the Department of Law
1346 Enforcement shall forward the fingerprints to the Federal Bureau
1347 of Investigation for national processing.

1348 (b) Fees for state and federal fingerprint processing and
1349 retention shall be borne by the individual. The state cost for
1350 fingerprint processing shall be as provided in s. 943.053(3)(e)
1351 for records provided to persons or entities other than those
1352 specified as exceptions therein.

1353 (c) Fingerprints submitted to the Department of Law
1354 Enforcement pursuant to this subsection shall be retained by the
1355 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1356 (h) and, when the Department of Law Enforcement begins
1357 participation in the program, enrolled in the Federal Bureau of
1358 Investigation's national retained print arrest notification
1359 program. Any arrest record identified shall be reported to the
1360 department.

1361 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
1362 ADMINISTRATIVE ACTIONS.-

1363 (a) The department shall conduct announced or unannounced

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1364 inspections of medical marijuana treatment centers to determine
1365 compliance with this section or rules adopted pursuant to this
1366 section.

1367 (b) The department shall inspect a medical marijuana
1368 treatment center upon receiving a complaint or notice that the
1369 medical marijuana treatment center has dispensed marijuana
1370 containing mold, bacteria, or other contaminant that may cause
1371 or has caused an adverse effect to human health or the
1372 environment.

1373 (c) The department shall conduct at least a biennial
1374 inspection of each medical marijuana treatment center to
1375 evaluate the medical marijuana treatment center's records,
1376 personnel, equipment, processes, security measures, sanitation
1377 practices, and quality assurance practices.

1378 (d) The Department of Agriculture and Consumer Services and
1379 the department shall enter into an interagency agreement to
1380 ensure cooperation and coordination in the performance of their
1381 obligations under this section and their respective regulatory
1382 and authorizing laws. The department, the Department of Highway
1383 Safety and Motor Vehicles, and the Department of Law Enforcement
1384 may enter into interagency agreements for the purposes specified
1385 in this subsection or subsection (7).

1386 (e) The department shall publish a list of all approved
1387 medical marijuana treatment centers, medical directors, and
1388 qualified physicians on its website.

1389 (f) The department may impose reasonable fines not to
1390 exceed \$10,000 on a medical marijuana treatment center for any
1391 of the following violations:

1392 1. Violating this section or department rule.

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- 1393 2. Failing to maintain qualifications for approval.
- 1394 3. Endangering the health, safety, or security of a
1395 qualified patient.
- 1396 4. Improperly disclosing personal and confidential
1397 information of the qualified patient.
- 1398 5. Attempting to procure medical marijuana treatment center
1399 approval by bribery, fraudulent misrepresentation, or extortion.
- 1400 6. Being convicted or found guilty of, or entering a plea
1401 of guilty or nolo contendere to, regardless of adjudication, a
1402 crime in any jurisdiction which directly relates to the business
1403 of a medical marijuana treatment center.
- 1404 7. Making or filing a report or record that the medical
1405 marijuana treatment center knows to be false.
- 1406 8. Willfully failing to maintain a record required by this
1407 section or department rule.
- 1408 9. Willfully impeding or obstructing an employee or agent
1409 of the department in the furtherance of his or her official
1410 duties.
- 1411 10. Engaging in fraud or deceit, negligence, incompetence,
1412 or misconduct in the business practices of a medical marijuana
1413 treatment center.
- 1414 11. Making misleading, deceptive, or fraudulent
1415 representations in or related to the business practices of a
1416 medical marijuana treatment center.
- 1417 12. Having a license or the authority to engage in any
1418 regulated profession, occupation, or business that is related to
1419 the business practices of a medical marijuana treatment center
1420 suspended, revoked, or otherwise acted against by the licensing
1421 authority of any jurisdiction, including its agencies or

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1422 subdivisions, for a violation that would constitute a violation
1423 under Florida law.

1424 13. Violating a lawful order of the department or an agency
1425 of the state, or failing to comply with a lawfully issued
1426 subpoena of the department or an agency of the state.

1427 (g) The department may suspend, revoke, or refuse to renew
1428 a medical marijuana treatment center license if the medical
1429 marijuana treatment center commits any of the violations in
1430 paragraph (f).

1431 (h) The department may adopt rules pursuant to ss.
1432 120.536(1) and 120.54 to implement this subsection.

1433 (11) PREEMPTION.—Regulation of cultivation, processing, and
1434 delivery of marijuana by medical marijuana treatment centers is
1435 preempted to the state except as provided in this subsection.

1436 (a) A medical marijuana treatment center cultivating or
1437 processing facility may not be located within 500 feet of the
1438 real property that comprises a public or private elementary
1439 school, middle school, or secondary school.

1440 (b)1. A county or municipality may, by ordinance, ban
1441 medical marijuana treatment center dispensing facilities from
1442 being located within the boundaries of that county or
1443 municipality. A county or municipality that does not ban
1444 dispensing facilities under this subparagraph may not place
1445 specific limits, by ordinance, on the number of dispensing
1446 facilities that may locate within that county or municipality.

1447 2. A municipality may determine by ordinance the criteria
1448 for the location of, and other permitting requirements that do
1449 not conflict with state law or department rule for, medical
1450 marijuana treatment center dispensing facilities located within

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1451 the boundaries of that municipality. A county may determine by
1452 ordinance the criteria for the location of, and other permitting
1453 requirements that do not conflict with state law or department
1454 rule for, all such dispensing facilities located within the
1455 unincorporated areas of that county. Except as provided in
1456 paragraph (c), a county or municipality may not enact ordinances
1457 for permitting or for determining the location of dispensing
1458 facilities which are more restrictive than its ordinances
1459 permitting or determining the locations for pharmacies licensed
1460 under chapter 465. A municipality or county may not charge a
1461 medical marijuana treatment center a license or permit fee in an
1462 amount greater than the fee charged by such municipality or
1463 county to pharmacies. A dispensing facility location approved by
1464 a municipality or county pursuant to former s. 381.986(8)(b),
1465 Florida Statutes 2016, is not subject to the location
1466 requirements of this subsection.

1467 (c) A medical marijuana treatment center dispensing
1468 facility may not be located within 500 feet of the real property
1469 that comprises a public or private elementary school, middle
1470 school, or secondary school unless the county or municipality
1471 approves the location through a formal proceeding open to the
1472 public at which the county or municipality determines that the
1473 location promotes the public health, safety, and general welfare
1474 of the community.

1475 (d) This subsection does not prohibit any local
1476 jurisdiction from ensuring medical marijuana treatment center
1477 facilities comply with the Florida Building Code, the Florida
1478 Fire Prevention Code, or any local amendments to the Florida
1479 Building Code or the Florida Fire Prevention Code.

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1480 (12) PENALTIES.—

1481 (a) A qualified physician commits a misdemeanor of the
1482 first degree, punishable as provided in s. 775.082 or s.
1483 775.083, if the qualified physician issues a physician
1484 certification for the medical use of marijuana for a patient
1485 without a reasonable belief that the patient is suffering from a
1486 qualifying medical condition.

1487 (b) A person who fraudulently represents that he or she has
1488 a qualifying medical condition to a qualified physician for the
1489 purpose of being issued a physician certification commits a
1490 misdemeanor of the first degree, punishable as provided in s.
1491 775.082 or s. 775.083.

1492 (c) A qualified patient who uses marijuana, not including
1493 low-THC cannabis, or a caregiver who administers marijuana, not
1494 including low-THC cannabis, in plain view of or in a place open
1495 to the general public; in a school bus, a vehicle, an aircraft,
1496 or a boat; or on the grounds of a school except as provided in
1497 s. 1006.062, commits a misdemeanor of the first degree,
1498 punishable as provided in s. 775.082 or s. 775.083.

1499 (d) A qualified patient or caregiver who cultivates
1500 marijuana or who purchases or acquires marijuana from any person
1501 or entity other than a medical marijuana treatment center
1502 violates s. 893.13 and is subject to the penalties provided
1503 therein.

1504 (e)1. A qualified patient or caregiver in possession of
1505 marijuana or a marijuana delivery device who fails or refuses to
1506 present his or her marijuana use registry identification card
1507 upon the request of a law enforcement officer commits a
1508 misdemeanor of the second degree, punishable as provided in s.

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1509 775.082 or s. 775.083, unless it can be determined through the
1510 medical marijuana use registry that the person is authorized to
1511 be in possession of that marijuana or marijuana delivery device.

1512 2. A person charged with a violation of this paragraph may
1513 not be convicted if, before or at the time of his or her court
1514 or hearing appearance, the person produces in court or to the
1515 clerk of the court in which the charge is pending a medical
1516 marijuana use registry identification card issued to him or her
1517 which is valid at the time of his or her arrest. The clerk of
1518 the court is authorized to dismiss such case at any time before
1519 the defendant's appearance in court. The clerk of the court may
1520 assess a fee of \$5 for dismissing the case under this paragraph.

1521 (f) A caregiver who violates any of the applicable
1522 provisions of this section or applicable department rules, for
1523 the first offense, commits a misdemeanor of the second degree,
1524 punishable as provided in s. 775.082 or s. 775.083 and, for a
1525 second or subsequent offense, commits a misdemeanor of the first
1526 degree, punishable as provided in s. 775.082 or s. 775.083.

1527 (g) A qualified physician who issues a physician
1528 certification for marijuana or a marijuana delivery device and
1529 receives compensation from a medical marijuana treatment center
1530 related to the issuance of a physician certification for
1531 marijuana or a marijuana delivery device is subject to
1532 disciplinary action under the applicable practice act and s.
1533 456.072(1)(n).

1534 (h) A person transporting marijuana or marijuana delivery
1535 devices on behalf of a medical marijuana treatment center or
1536 marijuana testing laboratory who fails or refuses to present a
1537 transportation manifest upon the request of a law enforcement

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1538 officer commits a misdemeanor of the second degree, punishable
1539 as provided in s. 775.082 or s. 775.083.

1540 (i) Persons and entities conducting activities authorized
1541 and governed by this section and s. 381.988 are subject to ss.
1542 456.053, 456.054, and 817.505, as applicable.

1543 (j) A person or entity that cultivates, processes,
1544 distributes, sells, or dispenses marijuana, as defined in s.
1545 29(b)(4), Art. X of the State Constitution, and is not licensed
1546 as a medical marijuana treatment center violates s. 893.13 and
1547 is subject to the penalties provided therein.

1548 (k) A person who manufactures, distributes, sells, gives,
1549 or possesses with the intent to manufacture, distribute, sell,
1550 or give marijuana or a marijuana delivery device that he or she
1551 holds out to have originated from a licensed medical marijuana
1552 treatment center but that is counterfeit commits a felony of the
1553 third degree, punishable as provided in s. 775.082, s. 775.083,
1554 or s. 775.084. For the purposes of this paragraph, the term
1555 "counterfeit" means marijuana; a marijuana delivery device; or a
1556 marijuana or marijuana delivery device container, seal, or label
1557 which, without authorization, bears the trademark, trade name,
1558 or other identifying mark, imprint, or device, or any likeness
1559 thereof, of a licensed medical marijuana treatment center and
1560 which thereby falsely purports or is represented to be the
1561 product of, or to have been distributed by, that licensed
1562 medical marijuana treatment facility.

1563 (l) Any person who possesses or manufactures a blank,
1564 forged, stolen, fictitious, fraudulent, counterfeit, or
1565 otherwise unlawfully issued medical marijuana use registry
1566 identification card commits a felony of the third degree,

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1567 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1568 (13) UNLICENSED ACTIVITY.—

1569 (a) If the department has probable cause to believe that a
1570 person or entity that is not registered or licensed with the
1571 department has violated this section, s. 381.988, or any rule
1572 adopted pursuant to this section, the department may issue and
1573 deliver to such person or entity a notice to cease and desist
1574 from such violation. The department also may issue and deliver a
1575 notice to cease and desist to any person or entity who aids and
1576 abets such unlicensed activity. The issuance of a notice to
1577 cease and desist does not constitute agency action for which a
1578 hearing under s. 120.569 or s. 120.57 may be sought. For the
1579 purpose of enforcing a cease and desist order, the department
1580 may file a proceeding in the name of the state seeking issuance
1581 of an injunction or a writ of mandamus against any person or
1582 entity who violates any provisions of such order.

1583 (b) In addition to the remedies under paragraph (a), the
1584 department may impose by citation an administrative penalty not
1585 to exceed \$5,000 per incident. The citation shall be issued to
1586 the subject and must contain the subject's name and any other
1587 information the department determines to be necessary to
1588 identify the subject, a brief factual statement, the sections of
1589 the law allegedly violated, and the penalty imposed. If the
1590 subject does not dispute the matter in the citation with the
1591 department within 30 days after the citation is served, the
1592 citation shall become a final order of the department. The
1593 department may adopt rules pursuant to ss. 120.536(1) and 120.54
1594 to implement this section. Each day that the unlicensed activity
1595 continues after issuance of a notice to cease and desist

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1596 constitutes a separate violation. The department shall be
1597 entitled to recover the costs of investigation and prosecution
1598 in addition to the fine levied pursuant to the citation. Service
1599 of a citation may be made by personal service or by mail to the
1600 subject at the subject's last known address or place of
1601 practice. If the department is required to seek enforcement of
1602 the cease and desist or agency order, it shall be entitled to
1603 collect attorney fees and costs.

1604 (c) In addition to or in lieu of any other administrative
1605 remedy, the department may seek the imposition of a civil
1606 penalty through the circuit court for any violation for which
1607 the department may issue a notice to cease and desist. The civil
1608 penalty shall be no less than \$5,000 and no more than \$10,000
1609 for each offense. The court may also award to the prevailing
1610 party court costs and reasonable attorney fees and, in the event
1611 the department prevails, may also award reasonable costs of
1612 investigation and prosecution.

1613 (d) In addition to the other remedies provided in this
1614 section, the department or any state attorney may bring an
1615 action for an injunction to restrain any unlicensed activity or
1616 to enjoin the future operation or maintenance of the unlicensed
1617 activity or the performance of any service in violation of this
1618 section.

1619 (e) The department must notify local law enforcement of
1620 such unlicensed activity for a determination of any criminal
1621 violation of chapter 893.

1622 (14) EXCEPTIONS TO OTHER LAWS.—

1623 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1624 any other provision of law, but subject to the requirements of

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1625 this section, a qualified patient and the qualified patient's
1626 caregiver may purchase from a medical marijuana treatment center
1627 for the patient's medical use a marijuana delivery device and up
1628 to the amount of marijuana authorized in the physician
1629 certification, but may not possess more than a 70-day supply of
1630 marijuana at any given time and all marijuana purchased must
1631 remain in its original packaging.

1632 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1633 any other provision of law, but subject to the requirements of
1634 this section, an approved medical marijuana treatment center and
1635 its owners, managers, and employees may manufacture, possess,
1636 sell, deliver, distribute, dispense, and lawfully dispose of
1637 marijuana or a marijuana delivery device as provided in this
1638 section, s. 381.988, and by department rule. For the purposes of
1639 this subsection, the terms "manufacture," "possession,"
1640 "deliver," "distribute," and "dispense" have the same meanings
1641 as provided in s. 893.02.

1642 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1643 any other provision of law, but subject to the requirements of
1644 this section, a certified marijuana testing laboratory,
1645 including an employee of a certified marijuana testing
1646 laboratory acting within the scope of his or her employment, may
1647 acquire, possess, test, transport, and lawfully dispose of
1648 marijuana as provided in this section, in s. 381.988, and by
1649 department rule.

1650 (d) A licensed medical marijuana treatment center and its
1651 owners, managers, and employees are not subject to licensure or
1652 regulation under chapter 465 or chapter 499 for manufacturing,
1653 possessing, selling, delivering, distributing, dispensing, or

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1654 lawfully disposing of marijuana or a marijuana delivery device,
1655 as provided in this section, s. 381.988, and by department rule.

1656 (e) This subsection does not exempt a person from
1657 prosecution for a criminal offense related to impairment or
1658 intoxication resulting from the medical use of marijuana or
1659 relieve a person from any requirement under law to submit to a
1660 breath, blood, urine, or other test to detect the presence of a
1661 controlled substance.

1662 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1663 any other provision of law, but subject to the requirements of
1664 this section and pursuant to policies and procedures established
1665 pursuant to s. 1006.62(8), school personnel may possess
1666 marijuana that is obtained for medical use pursuant to this
1667 section by a student who is a qualified patient.

1668 (g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1669 any other provision of law, but subject to the requirements of
1670 this section, a research institute established by a public
1671 postsecondary educational institution, such as the H. Lee
1672 Moffitt Cancer Center and Research Institute, Inc., established
1673 under s. 1004.43, or a state university that has achieved the
1674 preeminent state research university designation under s.
1675 1001.7065 may possess, test, transport, and lawfully dispose of
1676 marijuana for research purposes as provided by this section.

1677 (15) APPLICABILITY.—This section does not limit the ability
1678 of an employer to establish, continue, or enforce a drug-free
1679 workplace program or policy. This section does not require an
1680 employer to accommodate the medical use of marijuana in any
1681 workplace or any employee working while under the influence of
1682 marijuana. This section does not create a cause of action

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1683 against an employer for wrongful discharge or discrimination.
1684 Marijuana, as defined in this section, is not reimbursable under
1685 chapter 440.

1686 (16) FINES AND FEES.—Fines and fees collected by the
1687 department under this section shall be deposited in the Grants
1688 and Donations Trust Fund within the Department of Health.

1689 Section 4. Paragraph (uu) is added to subsection (1) of
1690 section 458.331, Florida Statutes, to read:

1691 458.331 Grounds for disciplinary action; action by the
1692 board and department.—

1693 (1) The following acts constitute grounds for denial of a
1694 license or disciplinary action, as specified in s. 456.072(2):

1695 (uu) Issuing a physician certification, as defined in s.
1696 381.986, in a manner out of compliance with the requirements of
1697 that section and rules adopted thereunder.

1698 Section 5. Paragraph (ww) is added to subsection (1) of
1699 section 459.015, Florida Statutes, to read:

1700 459.015 Grounds for disciplinary action; action by the
1701 board and department.—

1702 (1) The following acts constitute grounds for denial of a
1703 license or disciplinary action, as specified in s. 456.072(2):

1704 (ww) Issuing a physician certification, as defined in s.
1705 381.986, in a manner not in compliance with the requirements of
1706 that section and rules adopted thereunder.

1707 Section 6. Section 381.988, Florida Statutes, is created to
1708 read:

1709 381.988 Medical marijuana testing laboratories; marijuana
1710 tests conducted by a certified laboratory.—

1711 (1) A person or entity seeking to be a certified marijuana

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1712 testing laboratory must:

1713 (a) Not be owned or controlled by a medical marijuana
1714 treatment center.

1715 (b) Submit a completed application accompanied by an
1716 application fee, as established by department rule.

1717 (c) Submit proof of an accreditation or a certification
1718 approved by the department issued by an accreditation or a
1719 certification organization approved by the department. The
1720 department shall adopt by rule a list of approved laboratory
1721 accreditations or certifications and accreditation or
1722 certification organizations.

1723 (d) Require all owners and managers to submit to and pass a
1724 level 2 background screening pursuant to s. 435.04 and shall
1725 deny certification if the person or entity has been found guilty
1726 of, or has entered a plea of guilty or nolo contendere to,
1727 regardless of adjudication, any offense listed in chapter 837,
1728 chapter 895, or chapter 896 or similar law of another
1729 jurisdiction.

1730 1. Such owners and managers must submit a full set of
1731 fingerprints to the department or to a vendor, entity, or agency
1732 authorized by s. 943.053(13). The department, vendor, entity, or
1733 agency shall forward the fingerprints to the Department of Law
1734 Enforcement for state processing, and the Department of Law
1735 Enforcement shall forward the fingerprints to the Federal Bureau
1736 of Investigation for national processing.

1737 2. Fees for state and federal fingerprint processing and
1738 retention shall be borne by such owners or managers. The state
1739 cost for fingerprint processing shall be as provided in s.
1740 943.053(3)(e) for records provided to persons or entities other

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1741 than those specified as exceptions therein.

1742 3. Fingerprints submitted to the Department of Law
1743 Enforcement pursuant to this paragraph shall be retained by the
1744 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1745 (h) and, when the Department of Law Enforcement begins
1746 participation in the program, enrolled in the Federal Bureau of
1747 Investigation's national retained print arrest notification
1748 program. Any arrest record identified shall be reported to the
1749 department.

1750 (e) Demonstrate to the department the capability of meeting
1751 the standards for certification required by this subsection, and
1752 the testing requirements of s. 381.986 and this section and
1753 rules adopted thereunder.

1754 (2) The department shall adopt rules pursuant to ss.
1755 120.536(1) and 120.54 establishing a procedure for initial
1756 certification and biennial renewal, including initial
1757 application and biennial renewal fees sufficient to cover the
1758 costs of administering this certification program. The
1759 department shall renew the certification biennially if the
1760 laboratory meets the requirements of this section and pays the
1761 biennial renewal fee.

1762 (3) The department shall adopt rules pursuant to ss.
1763 120.536(1) and 120.54 establishing the standards for
1764 certification of marijuana testing laboratories under this
1765 section. The Department of Agriculture and Consumer Services and
1766 the Department of Environmental Protection shall assist the
1767 department in developing the rule, which must include, but is
1768 not limited to:

1769 (a) Security standards.

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- 1770 (b) Minimum standards for personnel.
- 1771 (c) Sample collection method and process standards.
- 1772 (d) Proficiency testing for tetrahydrocannabinol potency,
1773 concentration of cannabidiol, and contaminants unsafe for human
1774 consumption, as determined by department rule.
- 1775 (e) Reporting content, format, and frequency.
- 1776 (f) Audits and onsite inspections.
- 1777 (g) Quality assurance.
- 1778 (h) Equipment and methodology.
- 1779 (i) Chain of custody.
- 1780 (j) Any other standard the department deems necessary to
1781 ensure the health and safety of the public.
- 1782 (4) A marijuana testing laboratory may acquire marijuana
1783 only from a medical marijuana treatment center. A marijuana
1784 testing laboratory is prohibited from selling, distributing, or
1785 transferring marijuana received from a marijuana treatment
1786 center, except that a marijuana testing laboratory may transfer
1787 a sample to another marijuana testing laboratory in this state.
- 1788 (5) A marijuana testing laboratory must properly dispose of
1789 all samples it receives, unless transferred to another marijuana
1790 testing laboratory, after all necessary tests have been
1791 conducted and any required period of storage has elapsed, as
1792 established by department rule.
- 1793 (6) A marijuana testing laboratory shall use the computer
1794 software tracking system selected by the department under s.
1795 381.986.
- 1796 (7) The following acts constitute grounds for which
1797 disciplinary action specified in subsection (8) may be taken
1798 against a certified marijuana testing laboratory:

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1799 (a) Permitting unauthorized persons to perform technical
1800 procedures or issue reports.

1801 (b) Demonstrating incompetence or making consistent errors
1802 in the performance of testing or erroneous reporting.

1803 (c) Performing a test and rendering a report thereon to a
1804 person or entity not authorized by law to receive such services.

1805 (d) Failing to file any report required under this section
1806 or s. 381.986 or the rules adopted thereunder.

1807 (e) Reporting a test result if the test was not performed.

1808 (f) Failing to correct deficiencies within the time
1809 required by the department.

1810 (g) Violating or aiding and abetting in the violation of
1811 any provision of s. 381.986 or this section or any rules adopted
1812 thereunder.

1813 (8) The department may refuse to issue or renew, or may
1814 suspend or revoke, the certification of a marijuana testing
1815 laboratory that is found to be in violation of this section or
1816 any rules adopted hereunder. The department may impose fines for
1817 violations of this section or rules adopted thereunder, based on
1818 a schedule adopted in rule. In determining the administrative
1819 action to be imposed for a violation, the department must
1820 consider the following factors:

1821 (a) The severity of the violation, including the
1822 probability of death or serious harm to the health or safety of
1823 any person that may result or has resulted; the severity or
1824 potential harm; and the extent to which s. 381.986 or this
1825 section were violated.

1826 (b) The actions taken by the marijuana testing laboratory
1827 to correct the violation or to remedy the complaint.

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1828 (c) Any previous violation by the marijuana testing
1829 laboratory.

1830 (d) The financial benefit to the marijuana testing
1831 laboratory of committing or continuing the violation.

1832 (9) The department may adopt rules pursuant to ss.
1833 120.536(1) and 120.54 to implement this section.

1834 (10) Fees collected by the department under this section
1835 shall be deposited in the Grants and Donations Trust Fund within
1836 the Department of Health.

1837 Section 7. Section 381.989, Florida Statutes, is created to
1838 read:

1839 381.989 Public education campaigns.—

1840 (1) DEFINITIONS.—As used in this section, the term:

1841 (a) "Cannabis" has the same meaning as in s. 893.02.

1842 (b) "Department" means the Department of Health.

1843 (c) "Marijuana" has the same meaning as in s. 381.986.

1844 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT
1845 USE PREVENTION CAMPAIGN.—

1846 (a) The department shall implement a statewide cannabis and
1847 marijuana education and illicit use prevention campaign to
1848 publicize accurate information regarding:

1849 1. The legal requirements for licit use and possession of
1850 marijuana in this state.

1851 2. Safe use of marijuana, including preventing access by
1852 persons other than qualified patients as defined in s. 381.986,
1853 particularly children.

1854 3. The short-term and long-term health effects of cannabis
1855 and marijuana use, particularly on minors and young adults.

1856 4. Other cannabis-related and marijuana-related education

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1857 determined by the department to be necessary to the public
1858 health and safety.

1859 (b) The department shall provide educational materials
1860 regarding the eligibility for medical use of marijuana by
1861 individuals diagnosed with a terminal condition to individuals
1862 that provide palliative care or hospice services.

1863 (c) The department may use television messaging, radio
1864 broadcasts, print media, digital strategies, social media, and
1865 any other form of messaging deemed necessary and appropriate by
1866 the department to implement the campaign. The department may
1867 work with school districts, community organizations, and
1868 businesses and business organizations and other entities to
1869 provide training and programming.

1870 (d) The department may contract with one or more vendors to
1871 implement the campaign.

1872 (e) The department shall contract with an independent
1873 entity to conduct annual evaluations of the campaign. The
1874 evaluations shall assess the reach and impact of the campaign,
1875 success in educating the citizens of the state regarding the
1876 legal parameters for marijuana use, success in preventing
1877 illicit access by adults and youth, and success in preventing
1878 negative health impacts from the legalization of marijuana. The
1879 first year of the program, the evaluator shall conduct surveys
1880 to establish baseline data on youth and adult cannabis use, the
1881 attitudes of youth and the general public toward cannabis and
1882 marijuana, and any other data deemed necessary for long-term
1883 analysis. By January 31 of each year, the department shall
1884 submit to the Governor, the President of the Senate, and the
1885 Speaker of the House of Representatives the annual evaluation of

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1886 the campaign.

1887 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1888 (a) The Department of Highway Safety and Motor Vehicles
1889 shall implement a statewide impaired driving education campaign
1890 to raise awareness and prevent marijuana-related and cannabis-
1891 related impaired driving and may contract with one or more
1892 vendors to implement the campaign. The Department of Highway
1893 Safety and Motor Vehicles may use television messaging, radio
1894 broadcasts, print media, digital strategies, social media, and
1895 any other form of messaging deemed necessary and appropriate by
1896 the department to implement the campaign.

1897 (b) At a minimum, the Department of Highway Safety and
1898 Motor Vehicles or a contracted vendor shall establish baseline
1899 data on the number of marijuana-related citations for driving
1900 under the influence, marijuana-related traffic arrests,
1901 marijuana-related traffic accidents, and marijuana-related
1902 traffic fatalities, and shall track these measures annually
1903 thereafter. The Department of Highway Safety and Motor Vehicles
1904 or a contracted vendor shall annually evaluate and compile a
1905 report on the efficacy of the campaign based on those measures
1906 and other measures established by the Department of Highway
1907 Safety and Motor Vehicles. By January 31 of each year, the
1908 Department of Highway Safety and Motor Vehicles shall submit the
1909 report on the evaluation of the campaign to the Governor, the
1910 President of the Senate, and the Speaker of the House of
1911 Representatives.

1912 Section 8. Subsection (1) of section 385.211, Florida
1913 Statutes, is amended to read:

1914 385.211 Refractory and intractable epilepsy treatment and

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1915 research at recognized medical centers.—

1916 (1) As used in this section, the term “low-THC cannabis”
1917 means “low-THC cannabis” as defined in s. 381.986 that is
1918 dispensed only from a dispensing organization as defined in
1919 former s. 381.986, Florida Statutes 2016, or a medical marijuana
1920 treatment center as defined in s. 381.986.

1921 Section 9. Paragraphs (b) through (e) of subsection (2) of
1922 section 499.0295, Florida Statutes, are redesignated as
1923 paragraphs (a) through (d), respectively, and present paragraphs
1924 (a) and (c) of that subsection, and subsection (3) of that
1925 section are amended, to read:

1926 499.0295 Experimental treatments for terminal conditions.—

1927 (2) As used in this section, the term:

1928 ~~(a) “Dispensing organization” means an organization~~
1929 ~~approved by the Department of Health under s. 381.986(5) to~~
1930 ~~cultivate, process, transport, and dispense low THC cannabis,~~
1931 ~~medical cannabis, and cannabis delivery devices.~~

1932 (b)(e) “Investigational drug, biological product, or
1933 device” means:

1934 ~~1.~~ a drug, biological product, or device that has
1935 successfully completed phase 1 of a clinical trial but has not
1936 been approved for general use by the United States Food and Drug
1937 Administration and remains under investigation in a clinical
1938 trial approved by the United States Food and Drug
1939 Administration; ~~or~~

1940 ~~2. Medical cannabis that is manufactured and sold by a~~
1941 ~~dispensing organization.~~

1942 (3) Upon the request of an eligible patient, a manufacturer
1943 may, ~~or upon a physician’s order pursuant to s. 381.986,~~ a

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1944 ~~dispensing organization may:~~

1945 (a) Make its investigational drug, biological product, or
1946 device available under this section.

1947 (b) Provide an investigational drug, biological product, or
1948 ~~device, or cannabis delivery device as defined in s. 381.986~~ to
1949 an eligible patient without receiving compensation.

1950 (c) Require an eligible patient to pay the costs of, or the
1951 costs associated with, the manufacture of the investigational
1952 drug, biological product, or ~~device, or cannabis delivery device~~
1953 ~~as defined in s. 381.986.~~

1954 Section 10. Subsection (3) of section 893.02, Florida
1955 Statutes, is amended to read:

1956 893.02 Definitions.—The following words and phrases as used
1957 in this chapter shall have the following meanings, unless the
1958 context otherwise requires:

1959 (3) "Cannabis" means all parts of any plant of the genus
1960 *Cannabis*, whether growing or not; the seeds thereof; the resin
1961 extracted from any part of the plant; and every compound,
1962 manufacture, salt, derivative, mixture, or preparation of the
1963 plant or its seeds or resin. The term does not include
1964 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
1965 manufactured, possessed, sold, purchased, delivered,
1966 distributed, or dispensed, in conformance with s. 381.986.

1967 Section 11. Section 1004.4351, Florida Statutes, is created
1968 to read:

1969 1004.4351 Medical marijuana research and education.—

1970 (1) SHORT TITLE.—This section shall be known and may be
1971 cited as the "Medical Marijuana Research and Education Act."

1972 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

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1973 (a) The present state of knowledge concerning the use of
1974 marijuana to alleviate pain and treat illnesses is limited
1975 because permission to perform clinical studies on marijuana is
1976 difficult to obtain, with access to research-grade marijuana so
1977 restricted that little or no unbiased studies have been
1978 performed.

1979 (b) Under the State Constitution, marijuana is available
1980 for the treatment of certain debilitating medical conditions.

1981 (c) Additional clinical studies are needed to ensure that
1982 the residents of this state obtain the correct dosing,
1983 formulation, route, modality, frequency, quantity, and quality
1984 of marijuana for specific illnesses.

1985 (d) An effective medical marijuana research and education
1986 program would mobilize the scientific, educational, and medical
1987 resources that presently exist in this state to determine the
1988 appropriate and best use of marijuana to treat illness.

1989 (3) DEFINITIONS.—As used in this section, the term:

1990 (a) "Board" means the Medical Marijuana Research and
1991 Education Board.

1992 (b) "Coalition" means the Coalition for Medical Marijuana
1993 Research and Education.

1994 (c) "Marijuana" has the same meaning as provided in s. 29,
1995 Art. X of the State Constitution.

1996 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
1997 EDUCATION.—

1998 (a) There is established within the H. Lee Moffitt Cancer
1999 Center and Research Institute, Inc., the Coalition for Medical
2000 Marijuana Research and Education. The purpose of the coalition
2001 is to conduct rigorous scientific research, provide education,

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2002 disseminate research, and guide policy for the adoption of a
2003 statewide policy on ordering and dosing practices for the
2004 medical use of marijuana. The coalition shall be physically
2005 located at the H. Lee Moffitt Cancer Center and Research
2006 Institute, Inc.

2007 (b) The Medical Marijuana Research and Education Board is
2008 established to direct the operations of the coalition. The board
2009 shall be composed of seven members appointed by the chief
2010 executive officer of the H. Lee Moffitt Cancer Center and
2011 Research Institute, Inc. Board members must have experience in a
2012 variety of scientific and medical fields, including, but not
2013 limited to, oncology, neurology, psychology, pediatrics,
2014 nutrition, and addiction. Members shall be appointed to 4-year
2015 terms and may be reappointed to serve additional terms. The
2016 chair shall be elected by the board from among its members to
2017 serve a 2-year term. The board shall meet at least semiannually
2018 at the call of the chair or, in his or her absence or
2019 incapacity, the vice chair. Four members constitute a quorum. A
2020 majority vote of the members present is required for all actions
2021 of the board. The board may prescribe, amend, and repeal a
2022 charter governing the manner in which it conducts its business.
2023 A board member shall serve without compensation but is entitled
2024 to be reimbursed for travel expenses by the coalition or the
2025 organization he or she represents in accordance with s. 112.061.

2026 (c) The coalition shall be administered by a coalition
2027 director, who shall be appointed by and serve at the pleasure of
2028 the board. The coalition director shall, subject to the approval
2029 of the board:

2030 1. Propose a budget for the coalition.

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2031 2. Foster the collaboration of scientists, researchers, and
2032 other appropriate personnel in accordance with the coalition's
2033 charter.

2034 3. Identify and prioritize the research to be conducted by
2035 the coalition.

2036 4. Prepare the Medical Marijuana Research and Education
2037 Plan for submission to the board.

2038 5. Apply for grants to obtain funding for research
2039 conducted by the coalition.

2040 6. Perform other duties as determined by the board.

2041 (d) The board shall advise the Board of Governors, the
2042 State Surgeon General, the Governor, and the Legislature with
2043 respect to medical marijuana research and education in this
2044 state. The board shall explore methods of implementing and
2045 enforcing medical marijuana laws in relation to cancer control,
2046 research, treatment, and education.

2047 (e) The board shall annually adopt a plan for medical
2048 marijuana research, known as the "Medical Marijuana Research and
2049 Education Plan," which must be in accordance with state law and
2050 coordinate with existing programs in this state. The plan must
2051 include recommendations for the coordination and integration of
2052 medical, pharmacological, nursing, paramedical, community, and
2053 other resources connected with the treatment of debilitating
2054 medical conditions; research related to the treatment of such
2055 medical conditions; and education.

2056 (f) By February 15 of each year, the board shall issue a
2057 report to the Governor, the President of the Senate, and the
2058 Speaker of the House of Representatives on research projects,
2059 community outreach initiatives, and future plans for the

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2060 coalition.

2061 (g) Beginning January 15, 2018, and quarterly thereafter,
2062 the Department of Health shall submit to the board a data set
2063 that includes, for each patient registered in the medical
2064 marijuana use registry, the patient's qualifying medical
2065 condition and the daily dose amount and forms of marijuana
2066 certified for the patient.

2067 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
2068 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
2069 and Research Institute, Inc., shall allocate staff and provide
2070 information and assistance, as the coalition's budget permits,
2071 to assist the board in fulfilling its responsibilities.

2072 Section 12. Subsection (1) of section 1004.441, Florida
2073 Statutes, is amended to read:

2074 1004.441 Refractory and intractable epilepsy treatment and
2075 research.—

2076 (1) As used in this section, the term "low-THC cannabis"
2077 means "low-THC cannabis" as defined in s. 381.986 that is
2078 dispensed only from a dispensing organization as defined in
2079 former s. 381.986, Florida Statutes 2016, or a medical marijuana
2080 treatment center as defined in s. 381.986.

2081 Section 13. Subsection (8) is added to section 1006.062,
2082 Florida Statutes, to read:

2083 1006.062 Administration of medication and provision of
2084 medical services by district school board personnel.—

2085 (8) Each district school board shall adopt a policy and a
2086 procedure for allowing a student who is a qualified patient, as
2087 defined in s. 381.986, to use marijuana obtained pursuant to
2088 that section. Such policy and procedure shall ensure access by

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2089 the qualified patient; identify how the marijuana will be
2090 received, accounted for, and stored; and establish processes to
2091 prevent access by other students and school personnel whose
2092 access would be unnecessary for the implementation of the
2093 policy.

2094 Section 14. Department of Health; authority to adopt rules;
2095 cause of action.—

2096 (1) EMERGENCY RULEMAKING.—

2097 (a) The Department of Health and the applicable boards
2098 shall adopt emergency rules pursuant to s. 120.54(4), Florida
2099 Statutes, and this section necessary to implement ss. 381.986
2100 and 381.988, Florida Statutes. If an emergency rule adopted
2101 under this section is held to be unconstitutional or an invalid
2102 exercise of delegated legislative authority, and becomes void,
2103 the department or the applicable boards may adopt an emergency
2104 rule pursuant to this section to replace the rule that has
2105 become void. If the emergency rule adopted to replace the void
2106 emergency rule is also held to be unconstitutional or an invalid
2107 exercise of delegated legislative authority and becomes void,
2108 the department and the applicable boards must follow the
2109 nonemergency rulemaking procedures of the Administrative
2110 Procedures Act to replace the rule that has become void.

2111 (b) For emergency rules adopted under this section, the
2112 department and the applicable boards need not make the findings
2113 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
2114 adopted under this section are exempt from ss. 120.54(3)(b) and
2115 120.541, Florida Statutes. The department and the applicable
2116 boards shall meet the procedural requirements in s. 120.54(a),
2117 Florida Statutes, if the department or the applicable boards

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2118 have, before the effective date of this act, held any public
2119 workshops or hearings on the subject matter of the emergency
2120 rules adopted under this subsection. Challenges to emergency
2121 rules adopted under this subsection are subject to the time
2122 schedules provided in s. 120.56(5), Florida Statutes.

2123 (c) Emergency rules adopted under this section are exempt
2124 from s. 120.54(4)(c), Florida Statutes, and shall remain in
2125 effect until replaced by rules adopted under the nonemergency
2126 rulemaking procedures of the Administrative Procedures Act. By
2127 January 1, 2018, the department and the applicable boards shall
2128 initiate nonemergency rulemaking pursuant to the Administrative
2129 Procedures Act to replace all emergency rules adopted under this
2130 section by publishing a notice of rule development in the
2131 Florida Administrative Register. Except as provided in paragraph
2132 (a), after January 1, 2018, the department and applicable boards
2133 may not adopt rules pursuant to the emergency rulemaking
2134 procedures provided in this section.

2135 (2) CAUSE OF ACTION.—

2136 (a) As used in s. 29(d)(3), Article X of the State
2137 Constitution, the term:

2138 1. "Issue regulations" means the filing by the department
2139 of a rule or emergency rule for adoption with the Department of
2140 State.

2141 2. "Judicial relief" means an action for declaratory
2142 judgment pursuant to chapter 86, Florida Statutes.

2143 (b) The venue for actions brought against the department
2144 pursuant to s. 29(d)(3), Article X of the State Constitution
2145 shall be in the circuit court in and for Leon County.

2146 (c) If the department is not issuing patient and caregiver

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2147 identification cards or licensing medical marijuana treatment
2148 centers by October 3, 2017, the following shall be a defense to
2149 a cause of action brought under s. 29(d)(3), Article X of the
2150 State Constitution:

2151 1. The department is unable to issue patient and caregiver
2152 identification cards or license medical marijuana treatment
2153 centers due to litigation challenging a rule as an invalid
2154 exercise of delegated legislative authority or unconstitutional.

2155 2. The department is unable to issue patient or caregiver
2156 identification cards or license medical marijuana treatment
2157 centers due to a rule being held as an invalid exercise of
2158 delegated legislative authority or unconstitutional.

2159 Section 15. Department of Law Enforcement; training related
2160 to medical use of marijuana.-The Department of Law Enforcement
2161 shall develop a 4-hour online initial training course, and a 2-
2162 hour online continuing education course, which shall be made
2163 available for use by all law enforcement agencies in this state.
2164 Such training shall cover the legal parameters of marijuana-
2165 related activities governed by ss. 381.986 and 381.988, Florida
2166 Statutes, relating to criminal laws governing marijuana.

2167 Section 16. Section 385.212, Florida Statutes, is amended
2168 to read:

2169 385.212 Powers and duties of the Department of Health;
2170 Office of ~~Medical Marijuana~~ Compassionate Use.-

2171 (1) The Department of Health shall establish an Office of
2172 Medical Marijuana ~~Compassionate~~ Compassionate Use under the direction of the
2173 Deputy State Health Officer.

2174 (2) The Office of ~~Medical Marijuana~~ Compassionate Use may
2175 enhance access to investigational new drugs for Florida patients

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2176 through approved clinical treatment plans or studies. The Office
2177 of Medical Marijuana ~~Compassionate~~ Use may:

2178 (a) Create a network of state universities and medical
2179 centers recognized pursuant to s. 381.925.

2180 (b) Make any necessary application to the United States
2181 Food and Drug Administration or a pharmaceutical manufacturer to
2182 facilitate enhanced access to medical ~~compassionate~~ use of
2183 marijuana for Florida patients.

2184 (c) Enter into any agreements necessary to facilitate
2185 enhanced access to medical ~~compassionate~~ use of marijuana for
2186 Florida patients.

2187 (3) The department may adopt rules necessary to implement
2188 this section.

2189 (4) The Office of Medical Marijuana Use shall administer
2190 and enforce s. 381.986.

2191 Section 17. If any provision of this act or its application
2192 to any person or circumstance is held invalid, the invalidity
2193 does not affect other provisions or applications of this act
2194 which can be given effect without the invalid provision or
2195 application, and to this end the provisions of this act are
2196 severable.

2197 Section 18. The Division of Law Revision and Information is
2198 directed to replace the phrase "the effective date of this act"
2199 wherever it occurs in this act with the date the act becomes a
2200 law.

2201 Section 19. (1) For the 2017-2018 fiscal year, 55 full-time
2202 equivalent positions, with associated salary rate of 2,198,860,
2203 are authorized and the sums of \$3.5 million in nonrecurring
2204 funds from the General Revenue Fund and \$4,055,292 in recurring

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2205 funds and \$1,238,148 in nonrecurring funds from the Grants and
2206 Donations Trust Fund are appropriated to the Department of
2207 Health for the purpose of implementing the requirements of this
2208 act. Of the funds appropriated, \$3,158,572 in recurring funds
2209 and \$1,238,148 in nonrecurring funds from the Grants and
2210 Donations Trust Fund and 27 full-time equivalent positions shall
2211 be placed in reserve. The Department of Health is authorized to
2212 submit budget amendments requesting the release of funds being
2213 held in reserve pursuant to chapter 216, Florida Statutes
2214 contingent upon need and demonstration of fee collections to
2215 support the budget authority.

2216 (2) For the 2017-2018 fiscal year, the sum of \$500,000 in
2217 nonrecurring funds from the General Revenue Fund is appropriated
2218 to the Department of Health to implement the statewide cannabis
2219 and marijuana education and illicit use prevention campaign
2220 established under s. 381.989, Florida Statutes.

2221 (3) For the 2017-2018 fiscal year, the sum of \$5 million in
2222 nonrecurring funds from the Highway Safety Operating Trust Fund
2223 are appropriated to the Department of Highway Safety and Motor
2224 Vehicles to implement the statewide impaired driving education
2225 campaign established under s. 381.989, Florida Statutes.

2226 (4) For the 2017-2018 fiscal year, the sum of \$100,000 in
2227 recurring funds from the Highway Safety Operating Trust Fund is
2228 appropriated to the Department of Highway Safety and Motor
2229 Vehicles for the purpose of training additional law enforcement
2230 officers as drug recognition experts.

2231 (5) For the 2017-2018 fiscal year, the sum of \$750,000 in
2232 nonrecurring funds from the General Revenue Fund is provided for
2233 the Coalition for Medicinal Cannabis Research and Education at

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2234 the H. Lee Moffitt Cancer Center and Research Institute, Inc.,
2235 to conduct medical cannabis research.

2236 Section 20. This act shall take effect upon becoming a law.

ATTACHMENT B

**Existing Pharmacy Regulations: Article 3.23 of the
Zoning and Land Development Regulations**

ARTICLE 3: GENERAL PROVISIONS

* * *

§ 3.23 Distance Separations Requirements.

* * *

- C. There shall be a ½ mile distance separation requirement for Pain Management Clinics from the following uses:
1. Preexisting Pain Management Clinic;
 2. Preexisting Pharmacy of ≤9,000 sq. ft.;
 3. Preexisting Social Service Facility.
- D. There shall be a ½ mile distance separation requirement for Pharmacies of ≤9,000 sq. ft. from the following uses:
1. Preexisting Pain Management Clinics;
 2. Preexisting Pharmacies.
- Pharmacies of ≤9,000 sq. ft. that have been in existence for 25 continuous years in the same location as of the effective date of this ordinance, which are required to relocate as a result of governmental action are not subject to the above restriction. However, such Pharmacies must relocate within eighteen (18) months from the effective date of the governmental action. Once the eighteen month period has passed, the Pharmacies shall be subject to the distance separation requirement set forth above.
- E. There shall be a 2,500 linear foot distance separation requirement between a convenience store and another convenience store.
- F. There shall be a 2,500 linear foot distance separation requirement between a massage establishment and another massage establishment.

* * *

All distance separations shall be measured linearly by an actual or imaginary straight line upon the ground or in the air. Any other provision of this Code to the contrary notwithstanding, there shall be no variances of the above distance separation requirements granted for any reason.

ATTACHMENT C

Existing Regulations: Chapter 109a of the Code of Ordinances

Print

City of Hollywood Code of Ordinances

CHAPTER 109A: MEDICAL MARIJUANA BUSINESSES

Section

- 109A.01 Definitions
- 109A.02 Location of medical marijuana retail centers
- 109A.03 Supplemental requirements
- 109A.04 Revocation of special exception
- 109A.05 Public consumption of marijuana

§ 109A.01 DEFINITIONS.

For the purpose of this Chapter, the following definition(s) shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. An individual or business entity desiring to operate a Medical Marijuana Retail Center within the City limits.

BUSINESS OPERATING NAME. The legal or fictitious name under which a Medical Marijuana Retail Center conducts its business with the public.

CANNABIS. See Marijuana definition below.

CAREGIVER. A person; who is at least 21 years old, a permanent resident of the State and registered with the Department to assist with a qualified patient's use of medical cannabis.

DEPARTMENT. Florida Department of Health.

IDENTIFICATION TAG. A tamperproof card issued by the Medical Marijuana Retail Center to the persons involved with a Medical Marijuana Retail Center as evidence that they have passed the background checks and other requirements of this Chapter and are authorized to be present on the Premises.

MARIJUANA. All part of any plant(s) of the genus Cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt derivative, mixture, or preparation of the plant(s) or seed or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in § 499.0295, Florida Statutes. Marijuana includes any strain of Marijuana or Cannabis, in any form that is authorized by State law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana".

MEDICAL MARIJUANA RETAIL CENTER. A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility." or similar use, that sells and dispenses medical Marijuana, but does not engage in any other activity related to the preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or Marijuana product, and does not allow on-site consumption of Marijuana. A Medical Marijuana Treatment Center shall not be construed to be a Medical Marijuana Retail Center.

MEDICAL MARIJUANA TREATMENT CENTER. Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer Marijuana, products containing Marijuana, related supplies, or educational materials, as authorized by State law. A Medical Marijuana Treatment Center may include retail sales or dispensing of Marijuana. A facility which provides only retail sales or dispensing of Marijuana shall not be classified as a Medical Marijuana Treatment Center under this Chapter. Also may be referred to as a "Medical Marijuana Treatment Facility" or "dispensing organization" or other similar term recognized by State law.

OWNER. Any person, including any individual or other legal entity, with a direct or indirect ownership interest of five percent or more in an applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of an applicant.

PREMISES. The building, within which a Medical Marijuana Retail Center is permitted to operate by the City, including the property on which the building is located, all parking areas on the property or that are utilized by the Medical Marijuana Retail Center and sidewalks and alleys within 100 feet of the property on which the Marijuana Retail Center is located.

QUALIFIED REGISTERED PATIENT/QUALIFIED PATIENT. A resident of the State of Florida who has been added to the State's compassionate use registry by a physician licensed under F.S. Chapters 458 or 459, to receive Medical Marijuana from a dispensing organization or Medical Marijuana Treatment Center or similar use as defined in Florida Statutes.

(Ord. O-2017-01, passed 2-1-17)

§ 109A.02 LOCATION OF MEDICAL MARIJUANA RETAIL CENTERS.

(A) No Medical Marijuana Retail Centers shall be permitted to operate in the below locations unless such facility has been approved as a Special Exception by the Planning and Development Board pursuant to the criteria set forth in Article 5 of the Zoning and Land Development Regulations and the supplemental requirements set forth in § 109A.03, below. An approved special exception shall not inure nor be transferred to a new owner, or possession, control, or operation of the establishment surrendered to such other person until a new special exception has been obtained by the new applicant in accordance with this Chapter and Article 5 of the Zoning and Land Development Regulations. Those Medical Marijuana Retail Centers approved as a Special Exception, shall only be permitted in the following locations:

(1) IM-1 Low Intensity Industrial and Manufacturing District, located west of Interstate-95, east of the CSX Railroad, north of Sheridan Street and south of Stirling Road; and

(2) IM-3 Medium Intensity Industrial and Manufacturing District, located west of Interstate-95, east of State Road 7, north of Griffin Road, and south of Interstate-595.

(B) *Distance requirements.* Medical Marijuana Retail Centers shall adhere to the following distance requirements which shall also be applicable from such establishments located outside the City limits:

(1) There shall be a minimum of 500 linear foot distance separation requirement. Any Medical Marijuana Retail Center, or any business selling Marijuana shall be separated from the following uses:

- (a) Pain Management Clinics;
- (b) Pharmacy \leq 9,000 square feet;
- (c) Social Service Facility;
- (d) Zoning Districts that permit residential; and
- (e) Substance Abuse and Rehabilitation Center.

(2) There shall be a 1,000 linear foot distance separation requirement between a Medical Marijuana Retail Center and the following uses:

- (a) Educational establishments;
- (b) Day cares;
- (c) Places of Worship; and
- (d) Public Parks, including recreational buildings and community facilities.

All distance separations set forth above shall be measured linearly, from closest property line to closest property line, by an actual or imaginary straight line upon the ground or in the air. Any other provision of this code or the Zoning and Land Development Regulations to the contrary notwithstanding, there shall be no variances from the above distance requirements granted for any reason.

(C) *Numerical limits on Medical Marijuana Retail Centers.* The maximum number of operating Medical Marijuana Retail Centers shall not exceed one for every 65,000 residents, as certified in the most recent census or period demographic study conducted by the University of Florida.

(Ord. O-2017-01, passed 2-1-17)

§ 109A.03 SUPPLEMENTAL REQUIREMENTS.

(A) In addition to the standard special exception application requirements and meeting all requirements for a special exception under Article 5 of the Zoning and Land Development Regulations, the application for a special exception shall also include the following:

(1) The application shall be a joint application by the property owner and the tenant if the Medical Marijuana Retail Center and the property are not owned by the same person or entity; and

(2) The business operating name and all applicant and owner information. If the applicant or owner is:

(a) An individual, his/her legal name, aliases, home address and business address, date of birth, copy of driver's license or state or federally issued identification card;

(b) A partnership, the full and complete name of all general and limited partners, dates of birth, copy of driver's license or state or federally issued identification card of all general and limited partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership); or

(c) A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, copy of the driver's licenses or state or federally issued identification cards of all officers, and directors, and all aliases used, the capacity of all officers, and directors, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not the corporation is authorized to do business in the State of Florida.

(d) The addresses required by this section shall be physical locations, and not post office boxes.

(3) A copy of the lease identifying the specific use, if the Medical Marijuana Retail Center and the property are not owned by the same person or entity;

(4) A complete copy of the business' application filed with the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a Medical Marijuana Retail Center;

(5) Copies of any and all state and other licenses issued to the applicant to engage in the Marijuana business;

(6) A statement as to whether the applicant or any owner or employee has previously received a Medical Marijuana special exception;

(7) A statement as to whether the applicant or any owner holds other permits or license under this Chapter and, if so, the names and locations of such Medical Marijuana Retail Centers granted a special exception by the City;

(8) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer/director of a corporation whose special exception issued under this Chapter and pursuant to Article 5 of the Zoning and Land Development Regulations has previously been revoked, including the name and location of the establishment for which the special exception was revoked as well as the date of revocation;

(9) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended or revoked by any local, state or federal government and, if so, the nature of such privilege, permit, license and the reason for such suspension or revocation;

(10) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this State or in any other State or Federal court regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(11) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or has pleaded guilty or nolo contendere to, a felony relating to a battery or physical violence on any person in this State or in any other State or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(12) Written documentation, acceptable to the Chief of Police or his/her designee, that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year;

(13) A passport photograph of the applicant and every owner;

(14) A survey sealed by a Florida registered land surveyor who is licensed by the State of Florida. The survey shall indicate the distance between the proposed Medical Marijuana Retail Center and any other protected use as set forth in § 109A.02 above; and

(15) A notarized, signed, and sworn statement that the information provided within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued photo identification cards are currently valid and are true and correct copies of the originals.

(B) In addition to the special exception criteria set forth in Article 5 of the Zoning and Land Development Regulations, an applicant seeking a special exception must show by competent substantial evidence, that it has the ability to comply with the conditions set forth below:

(1) *Loitering.* Adequate seating for its patients and business invitees shall be provided at all times and the Medical Marijuana Retail Center shall not allow patients or business invitees to stand, sit (including in a parked vehicle or on a bicycle), gather, or loiter outside of the building where the Medical Marijuana Retail Center operates, including; in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required to arrive and depart. Signs shall be posted in a conspicuous location on all sides of that portion of a building occupied by the Medical Marijuana Retail Center that no loitering is allowed on the property.

(2) *Parking.* Any parking demand created shall not exceed the supply of parking spaces legally available within the parking areas allocated on the site plan as required by the Zoning and Land Development Regulations. An applicant may be required to demonstrate that on-site traffic flow and parking will be sufficient to accommodate parking demands generated based on a current traffic and parking study prepared and certified by a licensed Traffic Engineer, if requested by the City.

(3) *Queuing of vehicles.* The Medical Marijuana Retail Center shall ensure that there is no queuing of vehicles in the rights-of-way. The Medical Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance.

(4) *No drive-thru service or take-out.* No Medical Marijuana Retail Center shall have a drive-thru, drive-in, curbside pickup, take-out window or the like. All dispensing, payment for and receipt of products shall occur inside the business premises.

(5) *Delivery service.* All deliveries to the Medical Marijuana Retail Center shall be made while on-site security personnel are present.

(6) *No vending machines.* No Medical Marijuana Retail Center shall utilize any type of vending machines for the dispensing of Marijuana and/or marijuana paraphernalia on-site or off-site.

(7) *On-premises consumption of Marijuana.* No consumption of Marijuana is allowed on the premises on which a Medical Marijuana Retail Center is located, including the parking areas, sidewalks, buildings, and rights-of-way.

(8) *Alcoholic beverages.* There shall be no sale or consumption of alcoholic beverages allowed on the premises on which a Medical Marijuana Retail Center is located, including the parking areas, sidewalks, buildings, and rights-of-way.

(9) *Display.* There shall be no outdoor display of any products, wares, merchandise, or paraphernalia. The Medical Marijuana Retail Center's site plan shall clearly show that Marijuana, and paraphernalia including related products or facsimile of products, are not visible from the rights-of-way. No Marijuana or product of any kind shall be visible from any window or exterior glass door. No living Marijuana plants are permitted on the site of a Medical Marijuana Retail Center.

(10) *Security.* Every Medical Marijuana Retail Center shall incorporate safety measures to protect its property, employees and invitees during and outside of the dispensary's business hours, which measures, at a minimum shall include installation of a security system and/or security personnel as approved and verifiable at all times, as appropriate, by the City's Chief of Police or his/her designee. The applicant shall submit at the time of application for the special exception, a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.

(a) In addition to proving compliance with all State requirements, the security plan shall, at minimum, provide the following:

1. Full operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in surrounding rights-of-way, including:

A. A silent security alarm that notifies the Police Department that a crime is taking place;

B. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

C. A security camera system capable of recording and retrieving, for at least 30 days, an image, which shall be operational at all times during and after business hours. The security cameras shall be located:

i. At every ingress and egress to the dispensary, including doors and windows;

ii. On the interior where any monetary transaction shall occur; and

iii. At the ingress and egress to any area where medical Marijuana is stored.

2. Traffic management and loitering controls.

3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.

4. On-site armed security personnel from one hour before the business opens to the public until one hour after the business closes to the public.

(b) The Chief of Police, or his/her designee, shall review the applicant's operational and security plan using Crime Prevention through Environmental Design (CPTED) principles. The Chief may, or his/her designee may, impose site and operational revisions as are deemed reasonably necessary to ensure the safety of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of Marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.

(c) Any instance of breaking and entering at a Medical Marijuana Retail Center, regardless of whether Marijuana or Marijuana-based products are stolen, shall constitute a violation of this Chapter if the security alarm shall fail to activate simultaneously with the breaking and entering.

(d) Each applicant, owner, employee, and manager shall, as soon as reasonably practicable, report all felonies and any theft, suspected theft or loss of Marijuana or Marijuana-based products that occurs at the business to the Police Department and any other entity that requires them to report such incidents.

(11) *Hours of operation and delivery services.* A Medical Marijuana Retail Center shall only be allowed to operate between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 7:00 a.m. and 12:00 p.m. on Saturdays and Sundays. All deliveries to the Medical Marijuana Retail Center shall be made during regular operating hours while on-site security personnel are present.

(12) *Other activities.* Other than dispensing of Marijuana as permitted herein, no Medical Marijuana Retail Center shall sell, market, dispense, provide, exchange, or otherwise vend any other services, product, or drug paraphernalia as defined by federal or state law. In addition, no Medical Marijuana Retail Center Medical Director or doctors, physicians, agents, employees, representatives, contractors or the like, shall provide any other medical, social or psychological counseling, diagnosis or advice to any patient or business invitee. No Medical Marijuana Retail Center may be associated with a Medical Office, Pain Management Clinic, Social Service Facility, or Substance Abuse or Rehabilitation Center.

The preparation, wholesale storage, cultivation, or processing of any form of Marijuana or Marijuana-based product, and on-site consumption of any Marijuana or Marijuana-based product is specifically prohibited at a Medical Marijuana Retail Center. On-site storage of any form of Marijuana or Marijuana-based product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

(13) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in the dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the Medical Marijuana Retail Center.

(14) *Signage.* Medical Marijuana Retail Center shall post, at each entrance to the Medical Marijuana Retail Center the following language:

ONLY INDIVIDUALS WITH
LEGALLY RECOGNIZED
MARIJUANA OR CANNABIS
QUALIFYING PATIENT OR
LEGAL REPRESENTATIVE
IDENTIFICATION CARDS OR A
QUALIFYING PATIENT'S LEGAL
GUARDIAN MAY OBTAIN
MARIJUANA FROM A MEDICAL
MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

(15) *On-site community relations contact.* The Medical Marijuana Retail Center shall provide the City Manager or his/her designee, and all property owners and tenants located within 100 feet of the entrance to its building, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours, and after business hours, to report operating problems. The Medical Marijuana Retail Center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the Police Department or other City Officials.

(16) *Employment restrictions.* It shall be unlawful for a Medical Marijuana Retail Center to employ any person who (a) is not at least 21 years of age: or (b) has not passed a level 2 background screening.

(17) *Persons allowed to enter the premises.*

(a) *Underage entry.* It shall be unlawful for any Medical Marijuana Retail Center to allow any person who is not at least 18 years of age on the premises during hours of operation, unless that person is authorized by State law to purchase Medical Marijuana, whether as a qualified patient with a valid identification card or caregiver of a qualified patient with a valid identification card.

(b) *Entry by persons authorized by State law.* It shall be unlawful for any Medical Marijuana Retail Center to allow any person on the premises during the hours of operation if that person is not authorized by State law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, and their caregivers must wear an Identification Tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her Identification Tag.

(18) *Maintenance of premises.* A Medical Marijuana Retail Center shall actively remove litter at least twice each day of operation on the premises. from the Premises, the area in front of the premises, from any parking lot used by its patrons, and if necessary, on or from public sidewalks or rights-of-way within 100 feet of the outer edge of the premises used by its patrons.

(19) *Compliance with other laws.* Each Medical Marijuana Retail Center shall at all times be in compliance with all federal, state and local laws and regulations, as may be applicable.

(a) A Medical Marijuana Retail Center shall notify the City, in writing, within five business days of receipt of any notice of violation or warning from the State or of any changes to its State licensing approvals.

(b) If a Medical Marijuana Retail Center receives a notice of violation or warning from the State, it shall, no later than 20 business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the City's Planning Division.

(C) *Special exception and Identification Tag required.* In connection with the approval of a special exception for a Medical Marijuana Retail Center, the Chief of Police or his/her designee shall, upon verification of successful level 2 background screening, confirm that Identification Tags have been issued to each approved applicant for a special exception as well as for each owner and each employee. Each person employed in the conduct of a Medical Marijuana Retail Center shall be screened and approved as set forth below and required to obtain an Identification Tag before the Medical Marijuana Retail Center opens for business or, for persons who become involved with the Medical Marijuana Retail Center after it is open, before having any involvement in the Medical Marijuana Retail Center's activities. The applicant shall be required to provide the Chief of Police with an employee identification tag log at least ten days prior to the opening of the business, and the log will consist of the name of the employee, date of employment, and a copy of the required identification tag. The log shall be updated on a monthly basis and submitted to the Police Chief. The applicant/owner shall maintain a copy of the log on-site and accessible for inspection by the City. Any employees who are terminated or who no longer work at the Medical Marijuana Retail Center, shall turn in their Identification Tags at the time of termination or expiration of employment. On the face of each Identification Tag, there shall be placed the following:

- (1) A photograph of the applicant/owner/ employee;
- (2) The Planning and Development Board Resolution No. and Certificate of Use No.; and
- (3) The name and address of the Medical Marijuana Retail Center that the applicant/owner/employee represents or is employed by.

(Ord. O-2017-01, passed 2-1-17)

§ 109A.04 REVOCATION OF SPECIAL EXCEPTION.

In the event that the Medical Marijuana Retail Center is not used in accordance with the applicable regulations or provisions of an approved special exception, such special exception is subject to revocation. Revocation of the special exception shall be effected as follows:

(A) Upon finding that a property is not being used in conformance with the applicable regulations, laws or provisions of the special exception, the Director of Development Services shall notify the occupant of the property, and property owner, of such nonconformance. Upon receiving such notice, the occupant of the property and the property owner shall have 30 days in which to comply with the applicable regulations, laws or provisions of the special exception.

(B) If after 30 days, the occupant of the property and the property owner fail to comply with the applicable regulations, laws or provisions of the special exception, the Director of

Development Services shall request that the City's Planning and Development Board schedule a public hearing for purposes of determining whether the special exception should be revoked.

(C) Upon receiving a request for a public hearing, the Planning and Development Board shall set such hearing and hold a public hearing to consider revocation of the special exception. The Director of Development Services shall provide written notice to the occupant of the property and to the property owner of the scheduled public hearing. The occupant of the property and the property owner will have the opportunity to appear and be heard by the Planning and Development Board at the public hearing.

(Ord. O-2017-01, passed 2-1-17)

§ 109A.05 PUBLIC CONSUMPTION OF MARIJUANA.

Nothing in this Chapter shall be deemed to permit the public consumption of any form of Marijuana. Further, it shall be unlawful for any person to smoke, ingest or consume Marijuana, Medical Marijuana, Cannabis, or low-THC Cannabis as defined in Florida Statutes, in any form in any public building, public right-of-way, or public space within the City.

(Ord. O-2017-01, passed 2-1-17)