A bill to be entitled
An act relating to medical marijuana; repealing s. 381.986, F.S., relating to the compassionate use of low-THC cannabis; creating s. 381.99, F.S.; providing a short title; creating s. 381.991, F.S.; defining terms; creating s. 381.992, F.S.; authorizing a registered patient or a designated caregiver to purchase, acquire, and possess up to the allowed amount of medical marijuana for a patient’s medical use; requiring a registered patient or a designated caregiver to demonstrate certain actions in order to maintain the specified protections; authorizing a cultivation licensee, processing licensee, and cultivation and processing licensee and an employee or contractor of such licensee to take specified actions; authorizing a retail licensee or an employee of a retail licensee to take specified actions; authorizing a licensed independent testing laboratory and an employee of an independent testing laboratory to receive and process marijuana for the sole purpose of testing the marijuana for certification as medical marijuana; providing that specified actions are not authorized; providing that a person is not exempt from the prohibition against driving under the influence; providing that all provisions of part II of ch. 386, F.S., other than s. 386.2045, F.S., apply to the smoking of medical marijuana; providing that medical marijuana may be smoked in a private residence only in certain circumstances; creating s. 381.993, F.S.;
requiring a qualified patient to submit specified information to the Department of Health in order to register for a medical marijuana patient registry identification card; requiring a physician to submit to the department a patient-certification form with specified information before registration for and issuance of the card to the qualified patient; authorizing the physician to submit the patient-certification form electronically through the department’s website; authorizing a qualified patient to designate a caregiver at specified times to assist him or her with the medical use of medical marijuana; requiring the designated caregiver to meet specified qualifications; prohibiting a designated caregiver from registering to assist more than one patient at any given time unless specified circumstances are met; requiring the department to notify the qualified patient that the designated caregiver’s registration is denied; requiring the department to create a patient and caregiver registration form and a patient-certification form and make those forms available to the public by a specified date; requiring the registration form to allow the patient to include specified information; requiring the department to create and make available to the public a specified training course by a specified date; requiring the department to enter the information for the qualified patient or his or her designated caregiver into the medical marijuana patient registry and to issue a
medical marijuana patient registry identification card
to the patient and the designated caregiver after the
receipt of specified documents; requiring that medical
marijuana registry identification cards be resistant
to counterfeiting and include specified information;
providing that patient and designated caregiver
registration and medical marijuana patient registry
identification cards expire 1 year after the date of
issuance; requiring a qualified patient to submit
proof of continued residency and a physician to
certify specified information in order to renew a
registration or medical marijuana patient registry
identification card; requiring a second physician to
submit a patient-certification form to the department
in certain circumstances; requiring the department to
notify specified persons of a change in registration
status in specified circumstances; requiring the
department to give notice within a specified timeframe
to the registered patient and the designated caregiver
before removing the patient or designated caregiver
from the medical marijuana patient registry; requiring
the registered patient or designated caregiver to
return specified items within a specified timeframe
after receiving the notification; requiring a retail
facility to notify the department upon the receipt of
such items; authorizing the retail facility to notify
the department electronically; requiring the next of
kin of a patient or a designated caregiver to return
the identification card of the patient or designated
caregiver to the retail facility after his or her death; requiring the retail facility to update the medical marijuana patient registry and notify the department after the return of the identification cards; authorizing the retail facility to notify the department electronically; requiring the department to compare all registered patients and designated caregivers in the medical marijuana patient registry with the records of deaths on file on the electronic death registration system and to adjust the file of the patient or designated caregiver accordingly; requiring the department to notify law enforcement of the expired or cancelled identification card in certain circumstances; creating s. 381.994, F.S.; requiring that the department create a secure, online, electronic medical marijuana patient registry containing a file and specified information regarding each registered patient, designated caregiver, and certifying physician; requiring that the medical marijuana patient registry have specified capabilities; creating s. 381.995, F.S.; requiring the department to establish operating standards for the cultivation, processing, packaging, and labeling of marijuana by a specified date; requiring the department to develop licensure application forms for specified licenses and to make such forms available to the public by a specified date; requiring the department to establish procedures and requirements for specified licenses and renewals by a specified date;
date; authorizing the department to charge specified fees for an initial application, for licensure, and for biennial renewal; requiring the department to begin issuing specified licenses by specified dates; authorizing the department to issue specified licenses to an applicant who provides specified materials; authorizing specified dispensing organizations to renew their licenses upon a showing that the licensee meets certain criteria; providing that specified licenses expire 2 years after the date the licenses are issued; requiring a licensee to apply for a renewed license before the expiration date; requiring a licensee to demonstrate continued compliance with specified requirements before renewal; authorizing specified licensees to cultivate marijuana at one or more facilities only if the licensed facility has been inspected by the department; requiring that a facility be inspected and issued a specified license before beginning cultivation or processing; requiring each cultivation facility, processing facility, and cultivation and processing facility to be secure, closed to the public, and not within a specified proximity to specified schools, child care facilities, or licensed service providers; authorizing the department to establish rules for additional security and zoning requirements; providing that specified licensees may cultivate or process marijuana only for the purpose of producing medical marijuana and only at a facility licensed for the activity being performed;
authorizing a dispensing organization licensee to transport, or contract to be transported, medical marijuana and medical marijuana product; authorizing specified licensees to sell, transport, and deliver medical marijuana and medical marijuana product to retail licensees throughout the state; authorizing specified licensees to wholesale, transport, and deliver medical marijuana to another dispensing organization; restricting the number of available retail licenses in a county based on population; authorizing a governing body of a county or municipality to refuse to allow a retail facility within its jurisdiction; prohibiting the department from licensing a retail facility in a county or municipality that has forbidden retail facilities by ordinance; providing that a county or municipality may not prohibit retail deliveries of medical marijuana to registered patients within the county or municipality; authorizing a county or municipality to levy a local business tax on a retail facility; restricting the locations of retail facilities; requiring an applicant for a retail license to provide the department with specified materials; prohibiting the department from issuing a retail license for the same location as other specified facilities; requiring the department to use a lottery system to award licenses in certain circumstances; providing that dispensing organizations that were issued licenses before a specified date may be issued a specified license in certain
circumstances; providing an exemption; providing that a retail license expires 2 years after the date it is issued; providing the procedure by which a retail licensee renews its license; requiring a retail facility to be inspected by the department before beginning to dispense medical marijuana; authorizing a retail licensee to dispense the allowed amount of medical marijuana to a registered patient or the patient’s designated caregiver if specified circumstances are met; prohibiting a retail facility from repackaging medical marijuana products; authorizing a retail facility to deliver medical marijuana to registered patients at a location other than the licensed location in certain circumstances; authorizing a retail licensee to contract with licensed and bonded carriers to transport in vehicles registered by the department medical marijuana and medical marijuana product for specified purposes; requiring the department to adopt rules governing the transportation of medical marijuana and medical marijuana products; prohibiting the transportation of medical marijuana on the property of an airport, seaport, or spaceport; authorizing a dispensing organization to transport medical marijuana or medical marijuana products in vehicles in certain circumstances; requiring such vehicles to be operated by specified persons in certain circumstances; requiring a fee for a vehicle permit; requiring the signature of the designated driver with a vehicle
permit application; providing for expiration of the
permit in certain circumstances; requiring the
department to cancel a vehicle permit upon the request
of specified persons; providing that the licensee
authorizes the inspection and search of his or her
vehicle without a search warrant by specified persons;
prohibiting a licensee from advertising its medical
marijuana or medical marijuana product; defining the
term “advertise”; providing that inspections of
dispensing organization facilities are preempted to
the state and may be conducted by the department;
requiring the department to inspect and license
specified facilities of dispensing organizations
before those facilities begin operations; requiring
the department to conduct such inspection at least
once every 2 years; authorizing the department to
conduct additional or unannounced inspections at
reasonable hours; authorizing the department to test
medical marijuana or medical marijuana product to
ensure that it meets the standards established by the
department; authorizing the department, through an
interagency agreement, to perform joint inspections of
such facilities; requiring the department to adopt
rules governing access to licensed facilities and
delineating limited access areas, restricted access
areas, and general access areas at all licensed
facilities; providing that a licensee is responsible
for knowing and complying with specified laws and
rules; requiring that the licensed premises comply
with all security and surveillance requirements established by the department by rule before the licensee can undertake specified actions; requiring that specified areas of the licensed facility be clearly identified as such by signage approved by the department; requiring that a licensee possess and maintain possession of the premises for which the license is issued; requiring a licensee to keep a complete set of all records necessary to show fully the business transactions of the licensee for specified tax years; requiring a licensee to establish an inventory tracking system that is approved by the department; requiring that medical marijuana or medical marijuana product meet the labeling and packaging requirements as established by the department by rule; requiring the department to create a schedule of violations by rule in order to impose reasonable fines not to exceed a specified amount per violation; requiring the department to consider specified factors in determining the amount of the fine to be levied; authorizing the department to suspend, revoke, deny, or refuse to renew a license of a dispensing organization or impose a specified administrative penalty for specified acts and omissions; requiring the department to maintain a publicly available, easily accessible list on its website of all licensed retail facilities; creating s. 381.9951, F.S.; providing that the sale of medical marijuana and medical marijuana product is subject to
the sales tax under ch. 212, F.S.; requiring the Department of Revenue to deposit, in the same month as the Department of Revenue collects such taxes, all proceeds of sales taxes collected on the sale of medical marijuana and medical marijuana product into the Education/General Student and Other Fees Trust Fund; creating s. 381.996, F.S.; authorizing a physician to certify a patient to the department as a qualified patient if the patient meets certain criteria; prohibiting a physician from certifying a patient as a qualified patient if the physician has a financial interest in a medical marijuana or medical marijuana product business, enterprise, or independent testing laboratory; requiring the physician to electronically transfer an original copy of the physician recommendation for medical marijuana for that patient to the medical marijuana patient registry; requiring the recommendation to include the allowed amount of medical marijuana and the concentration ranges for individual cannabinoids, if any; requiring the physician to update the medical marijuana patient registry with changes in the recommendation within a specified timeframe after the change; requiring a physician to complete a specified course and examination in order to qualify to issue patient certifications for medical marijuana; requiring the appropriate boards to offer the first course and examination for certification by a specified date and annually thereafter; providing that
completion of the course satisfies the continuing medical education requirements imposed by a physician’s respective board for licensure renewal; creating s. 381.997, F.S.; requiring the department to adopt a certification process and testing standards for independent testing laboratories; requiring the Department of Agriculture and Consumer Services to provide resources to the department; prohibiting a cultivation licensee, processing licensee, and cultivation and processing licensee from distributing or selling medical marijuana or medical marijuana product to a retail licensee unless specified conditions are met; requiring an independent testing laboratory to report specified findings to the department; requiring that such findings include specified information; requiring the department to establish by rule a comprehensive tracking and labeling system for medical marijuana plants and products; requiring that medical marijuana and medical marijuana products that meet testing standards be packaged in a specified manner; providing an exception; requiring a retail licensee to affix an additional label to each medical marijuana product which includes specified information; requiring the department to establish specified standards for quality, testing procedures, and maximum levels of unsafe contaminants by a specified date; creating s. 381.998, F.S.; providing penalties; creating s. 381.999, F.S.; providing that this act does not
require a specified insurance provider or a health care services plan to cover a claim for reimbursement for the purchase of medical marijuana, though it does not restrict such coverage; creating s. 381.9991, F.S.; authorizing the department to adopt rules to implement this act; amending ss. 381.987, 385.211, 893.02, and 1004.441, F.S.; conforming provisions to changes made by the act; authorizing the University of Florida, in consultation with a veterinary research organization, to conduct specified research for treatment of animals with seizure disorders or other life-limiting illnesses; prohibiting the use of state funds for such research; providing for severability; providing an effective date.

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

Section 1. Section 381.986, Florida Statutes, is repealed.

Section 2. Section 381.99, Florida Statutes, is created to read:

381.99 Short title.—Sections 381.99-381.9991 may be cited as the “Florida Medical Marijuana Act.”

Section 3. Section 381.991, Florida Statutes, is created to read:

381.991 Definitions.—As used in ss. 381.991-381.9991, the term:

(1) “Allowed amount of medical marijuana” means the amount of medical marijuana, or the equivalent amount in processed form, which a physician determines is necessary to treat a
registered patient’s qualifying condition or qualifying symptom for 30 days.

(2) “Batch” means a specifically identified quantity of medical marijuana or medical marijuana product that is uniform in strain; cultivated using the same herbicides, pesticides, and fungicides; and harvested at the same time from a single licensed cultivation facility, processing facility, or cultivation and processing facility.

(3) “Cultivation” means the use of land for the growth and harvesting of medical marijuana.

(4) “Cultivation and processing facility” means a single facility licensed by the department for the cultivation and processing of marijuana.

(5) “Cultivation and processing license” means a license issued by the department which authorizes the licensee to cultivate and process marijuana at the same facility.

(6) “Cultivation facility” means a facility licensed by the department for the cultivation of marijuana.

(7) “Cultivation license” means a license issued by the department which authorizes the licensee to cultivate marijuana at one or more cultivation facilities.

(8) “Department” means the Department of Health.

(9) “Designated caregiver” means a person who is registered with the department as the caregiver for one or more registered patients.

(10) “Dispense” means to transfer or sell at a retail facility the allowed amount of medical marijuana from a dispensing organization to a registered patient or the registered patient’s designated caregiver.
(11) “Dispensing organization” means an organization that holds a cultivation license, a processing license, a retail license, or a combination of these licenses.

(12) “Independent testing laboratory” means a laboratory, and the managers, employees, and contractors of the laboratory, which does not have a direct or indirect interest in, and is not owned by or affiliated with, a dispensing organization or a cultivation, processing, or retail facility, individually or in combination.

(13) “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

(14) “Medical marijuana” means marijuana that has been tested in accordance with s. 381.997; meets the standards established by the department for sale to registered patients; and is packaged, labeled, and ready to be dispensed.

(15) “Medical marijuana patient registry” means an online electronic registry created and maintained by the department to store identifying information for all registered patients, designated caregivers, and certifying physicians.

(16) “Medical marijuana patient registry identification card” means a card issued by the department to registered patients and designated caregivers.

(17) “Medical marijuana product” means any product derived from medical marijuana, including oils, tinctures, creams, encapsulations, and food products containing marijuana or any part of the marijuana plant.
(18) “Medical use” means the acquisition, possession, transportation, use, and administration of the allowed amount of medical marijuana by a person registered on the medical marijuana registry.

(19) “Physician” means a physician who is licensed under chapter 458 or chapter 459, who meets the requirements of s. 381.996(4), and who has an active Drug Enforcement Administration registration number.

(20) “Principal” means any officer, director, billing agent, or managing employee of a dispensing organization or any person or shareholder who has an ownership interest equal to 5 percent or more of the dispensing organization.

(21) “Processing” means the processing of medical marijuana into medical marijuana product for a registered patient’s use.

(22) “Processing facility” means a facility licensed by the department for the processing of marijuana.

(23) “Processing license” means a license issued by the department which authorizes the licensee to process marijuana at one or more processing facilities.

(24) “Qualified patient” means a resident of this state who has been certified by a physician and diagnosed with:

(a) Cancer;

(b) Positive status for human immunodeficiency virus (HIV);

(c) Acquired immune deficiency syndrome (AIDS);

(d) Epilepsy;

(e) Amyotrophic lateral sclerosis (ALS);

(f) Multiple sclerosis;

(g) Crohn’s disease;

(h) Parkinson’s disease;
(i) Paraplegia;
(j) Quadriplegia;
(k) A terminal illness; or
(l) Any physical medical condition or treatment for a medical condition that chronically produces one or more qualifying symptoms.

(25) “Qualifying symptom” means:
(a) Cachexia or wasting syndrome;
(b) Severe and persistent pain;
(c) Severe and persistent nausea;
(d) Persistent seizures; or
(e) Severe and persistent muscle spasms.

(26) “Registered patient” means a qualified patient who has registered with the department on the medical marijuana patient registry and has been issued a medical marijuana patient registry identification card.

(27) “Retail facility” means a facility licensed by the department to dispense medical marijuana to registered patients and designated caregivers.

(28) “Retail license” means a license issued by the department which authorizes the licensee to dispense medical marijuana to registered patients and designated caregivers from a retail facility.

(29) “Smoking” or “smoke” means inhaling, exhaling, burning, carrying, or possessing any lighted medical marijuana or medical marijuana product. It does not include the use of a vaporizer.

Section 4. Section 381.992, Florida Statutes, is created to read:
381.992 Medical marijuana.—

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.991-381.9991, a registered patient or a designated caregiver may purchase, acquire, and possess up to the allowed amount of medical marijuana, including paraphernalia, for a patient’s medical use. In order to maintain the protections under this section, a registered patient or a designated caregiver must demonstrate that:

(a) He or she is legally in possession of the medical marijuana by producing his or her medical marijuana patient registry identification card; and

(b) Any medical marijuana in his or her possession is within the registered patient’s allowed amount of medical marijuana, which shall be determined by referring to the medical marijuana patient registry. Dispensing organizations may provide a physical or an electronic receipt to qualified caregivers or patients as determined by rule of the department.

(2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.991-381.9991, a cultivation licensee, a processing licensee, or a cultivation and processing licensee and an employee or contractor of a cultivation licensee, a processing licensee, or a cultivation and processing licensee may acquire, cultivate, and possess marijuana while on the property of the facility; transport marijuana between licensed facilities owned by the licensee; transport marijuana to independent laboratories for certification as medical marijuana; transport and sell marijuana to other cultivation licensees, processing licensees, and
cultivation and processing licensees; and transport and sell medical marijuana to retail facilities.

(3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.991-381.9991, a retail licensee and an employee of a retail licensee may purchase and receive medical marijuana from a cultivation licensee, a processing licensee, and a cultivation and processing licensee or its employee or contractor; possess, store, and hold medical marijuana for retail sale; and dispense the allowed amount of medical marijuana to a registered patient or a designated caregiver at a retail facility. A retail licensee and an employee or contractor of a retail licensee may deliver medical marijuana to a registered patient or designated caregiver.

(4) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.991-381.9991, a licensed independent testing laboratory and an employee of an independent testing laboratory may receive and possess marijuana for the sole purpose of testing the marijuana for certification as medical marijuana.

(5) This section does not authorize:
(a) The acquisition, purchase, transportation, or possession of any type of marijuana other than medical marijuana by a registered patient or designated caregiver.
(b) The use of medical marijuana by anyone other than the registered patient for whom the medical marijuana was recommended.
(c) The transfer or administration of medical marijuana to anyone other than the registered patient for whom the medical
marijuana was recommended.

(d) The acquisition or purchase of medical marijuana by a registered patient or designated caregiver from an entity other than a dispensing organization that has a retail license.

(e) The transfer of medical marijuana by a registered patient or a designated caregiver to any entity except for the purpose of returning unused medical marijuana to a dispensing organization.

(f) The use or administration of medical marijuana:
   1. On any form of public transportation.
   2. In any public place, as that term is defined in s. 877.21.
   3. In a registered patient’s place of work, if restricted by his or her employer.

(g) The possession, use, or administration of medical marijuana:
   1. In a correctional facility.
   2. On the grounds of any preschool, primary school, or secondary school.
   3. On a school bus.

(6) This section does not exempt any person from the prohibition against driving under the influence provided in s. 316.193.

(7) All provisions of part II of chapter 386 other than s. 386.2045 apply to the smoking of medical marijuana. Medical marijuana may be smoked in a private residence only if the owner, lessee, or other person occupying or controlling the use of the private residence is not providing in the private residence, or causing or allowing to be provided in the private

CODING: Words stricken are deletions; words underlined are additions.
residence, child care, adult care, or health care, or any combination thereof, and receiving or expecting to receive compensation therefor.

Section 5. Section 381.993, Florida Statutes, is created to read:

381.993 Medical marijuana patient and designated caregiver registration.—

(1) PATIENT REGISTRATION.—In order to register for a medical marijuana patient registry identification card, a qualified patient must submit to the department:

(a) A patient-registration form;
(b) Proof of residency in this state; and
(c) A passport-style photograph taken within 90 days before the application is submitted.

(2) PHYSICIAN CERTIFICATION.—Before the registration for and issuance of a medical marijuana patient registry identification card to a qualified patient, a physician must submit a patient-certification form to the department. The physician may submit the patient-certification form electronically through the department’s website. The patient-certification form must include the following:

(a) A certification by a physician that:

1. The patient suffers from one or more qualifying conditions or symptoms specified in s. 381.991(24) or s. 381.991(25); and

2. Unless the patient suffers from a condition listed in s. 381.991(24) (a)-(k), in the physician’s good faith medical judgment, there are no reasonable alternative medical options for the relief of the patient’s symptoms.
(b) If the patient has no other condition or symptom other than pain, a second physician who is a board-certified pain management physician, as defined in s. 456.44, must also submit a patient-certification form to the department certifying that, in the physician’s good faith medical judgment, there are no reasonable alternative medical options for the relief of the patient’s pain.

(c) If the patient is a minor, a second physician must also submit a patient-certification form directly to the department certifying that, in the physician’s good faith medical judgment, there are no reasonable alternative medical options for the relief of the patient’s conditions or symptoms.

(d) In addition to the requirement in paragraph (c), a parent or legal guardian of a minor patient must submit written consent for the patient’s use of medical marijuana to the department before the minor patient is registered. A parent or guardian of a minor patient must be designated as a caregiver for that patient. A minor patient may not purchase medical marijuana. The designated caregiver for a minor patient is responsible for all medical marijuana purchased, acquired, and possessed for the minor patient. As used in this subsection, the term “minor” means a patient who is younger than 21 years of age.

(e) A patient may not smoke medical marijuana unless two physicians have separately submitted recommendations on patient-certification forms to the department.

(f) On the patient-certification form, the patient’s physician, or the patient’s primary physician if two patient-certification forms are required, must indicate the allowed
amount of marijuana recommended for the patient’s use. The
department must enter the recommended amount into the medical
marijuana patient registry as the patient’s allowed amount of
medical marijuana. Except for patients who qualify under
paragraph (b), the patient’s prescription for the allowed amount
of medical marijuana expires when the patient’s medical
marijuana patient registry identification card expires. The
patient’s physician or primary physician may recommend a new
allowed amount of medical marijuana to the department at any
time. The department must notify a registered patient of the
pending expiration of the patient’s prescription for the allowed
amount of medical marijuana at least 21 days before the
expiration date. Upon expiration, the department must update the
medical marijuana patient registry to reflect that the patient’s
prescription for the allowed amount of medical marijuana is
expired. A retail facility may not dispense any medical
marijuana to a patient whose prescription for the allowed amount
of medical marijuana is expired.

(g) For patients who qualify under paragraph (b), the
patient’s allowed amount of medical marijuana expires 90 days
after the allowed amount of medical marijuana is prescribed or
upon expiration of the patient’s medical marijuana patient
registry identification card, whichever occurs first. In order
to renew the patient’s prescription for the allowed amount of
medical marijuana, the patient’s primary physician must
reexamine the patient and submit an updated physician
recommendation on a patient-certification form for the patient’s
allowed amount of medical marijuana.

(3) DESIGNATED CAREGIVER REGISTRATION.—A qualified patient
may, at his or her initial registration or while a registered patient, designate a caregiver, as well as up to two additional caregivers who are the patient’s spouse, parents, children, or siblings, to assist him or her with the medical use of medical marijuana.

(a) A designated caregiver must:
1. Be at least 21 years of age;
2. Meet the background screening requirements in s. 408.809 unless the caregiver is assisting only his or her own spouse, parents, children, or siblings; and
3. Complete the 2-hour medical marijuana caregiver training course offered by the department.

(b) A designated caregiver may not be registered to assist more than one patient at any given time unless all of the caregiver’s registered patients:
1. Are the caregiver’s parents, siblings having a common parent or legal guardian with the caregiver, or children;
2. Are first-degree relations to each other who share a residence; or
3. Reside in an assisted living facility, nursing home, or other such facility and the caregiver is an employee of that facility.

(c) If the department determines, for any reason, that a caregiver designated by a registered patient may not assist that patient, the department must notify the qualified patient that the caregiver’s registration is denied.

(4) DEPARTMENT RESPONSIBILITIES.—
(a) By January 1, 2017, the department shall:
1. Create a patient and caregiver registration form and a
patient-certification form and make the forms available to the public. The registration form must allow the patient to include, at a minimum, the information required to be on the patient’s medical marijuana patient registry identification card and on his or her designated caregiver’s medical marijuana patient registry identification card if the patient designates a caregiver.

2. Create and make available to the public a 2-hour medical marijuana designated caregiver training course that must be available online and be given in retail facilities. The training course must include, at a minimum, routes of administration, details on possible side effects of and adverse reactions to medical marijuana, and patient and caregiver restrictions and responsibilities under this act and any rules adopted by the department to implement the act.

(b) Beginning July 1, 2017, if the department receives a registration form, the supporting patient-certification form, and proof of the patient’s residency, the department must, within 14 days after the receipt of such documents:

1. Enter the qualified patient’s and his or her designated caregiver’s information into the medical marijuana patient registry; and

2. Issue a medical marijuana patient registry identification card to the qualified patient and to the patient’s designated caregiver, if applicable. The department is not required to issue an additional medical marijuana patient registry identification card to a designated caregiver who already possesses a valid identification card if the caregiver is registered as the caregiver for additional registered
patients unless the required information under paragraph (c) has changed. The expiration date for a designated caregiver’s medical marijuana patient registry identification card must coincide with the last occurring expiration date on the identification card of the patient the caregiver is registered to assist.

(c) Medical marijuana patient registry identification cards issued to registered patients and designated caregivers must be resistant to counterfeiting and include, but are not limited to, all of the following information:

1. The person’s full legal name.
2. The person’s photograph.
3. A randomly assigned identification number.
4. An expiration date.
5. Whether the registered patient is authorized to smoke medical marijuana.

(5) EXPIRATION AND RENEWAL OF PATIENT REGISTRATION AND MEDICAL MARIJUANA PATIENT REGISTRY IDENTIFICATION CARDS.—

(a) Except as provided in subparagraph (4)(b)2., patient and designated caregiver registration and medical marijuana patient registry identification cards expire 1 year after the date the cards are issued. In order to renew the registration and medical marijuana patient registry identification cards, a qualified patient must submit proof of continued residency, and a physician must certify to the department:

1. That he or she has examined the patient during the course of the patient’s treatment with medical marijuana;
2. That the patient suffers from one or more qualifying conditions or symptoms specified in s. 381.991(24) or s.
3. That, except for patients suffering from the conditions listed in s. 381.991(24)(a)-(k), in the physician’s good faith medical judgment, there are no reasonable alternative medical options for the relief of the symptoms;

4. That, in the physician’s good faith medical judgment, the use of medical marijuana gives the patient some relief from his or her symptoms; and

5. The allowed amount of medical marijuana that the physician recommends for the patient’s use.

(b) For the renewal of a patient registration and medical marijuana patient registry identification card of a patient who qualifies under paragraph (2)(b), a second physician who is a board-certified pain management physician, as defined in s. 456.44, must also submit a patient-certification form to the department certifying that, in the physician’s good faith medical judgment, there are no reasonable alternative medical options for the relief of the patient’s pain.

(6) PATIENT AND CAREGIVER DISQUALIFICATION.—If the department becomes aware of information that would disqualify a patient or designated caregiver from being registered, the department must notify that person of the change in his or her status as follows:

(a) For a registered patient, the department must give notice at least 30 days before removing the patient from the medical marijuana patient registry. The patient must return all medical marijuana, medical marijuana product, and his or her medical marijuana patient registry identification card to a retail facility within 30 days after receiving such notice. The
retail facility must notify the department within 24 hours after it has received such a return. The retail facility may notify the department electronically.

(b) For any designated caregiver, the department must give notice to the registered patient and the designated caregiver at least 15 days before removing the designated caregiver from the medical marijuana patient registry. The designated caregiver must return his or her medical marijuana patient registry identification card to a retail facility within 15 days after receiving such notice. The retail facility must notify the department within 24 hours after it has received such a return. The retail facility may notify the department electronically.

(c) If a registered patient or designated caregiver dies, the patient’s designated caregiver or the patient’s or designated caregiver’s next of kin must return the patient’s or designated caregiver’s medical marijuana patient registry identification card to a retail facility within 30 days after the patient’s or designated caregiver’s death. If the deceased is a patient with a designated caregiver who is not registered to assist other patients, the designated caregiver must also return his or her medical marijuana patient registry identification card to the retail facility at that time. When receiving such medical marijuana patient registry identification cards, the retail facility must update the medical marijuana patient registry with the patient’s or caregiver’s death and notify the department of the return of the medical marijuana patient registry identification cards. The retail facility may notify the department electronically.

(d) Quarterly, the department must compare all the
registered patients and designated caregivers in the medical marijuana patient registry with the records of deaths on file on the electronic death registration system in order to identify any registered patients or designated caregivers who are deceased but are not yet identified as such. If the department becomes aware that a registered patient or designated caregiver is deceased, the department must adjust that patient’s or designated caregiver’s file in the medical marijuana patient registry.

(e) If a registered patient or designated caregiver is disqualified or deceased or his or her registration expires and the department becomes aware that the patient or designated caregiver’s medical marijuana patient registry identification card has not been returned to a retail facility, the department must notify a law enforcement agency of the expired or cancelled medical marijuana patient registry identification card.

Section 6. Section 381.994, Florida Statutes, is created to read:

381.994 Electronic medical marijuana patient registry.—
(1) By July 1, 2017, the department must create a secure, online medical marijuana patient registry that is accessible by the department and that contains a file for each registered patient and designated caregiver and for each certifying physician consisting of, but not limited to, all of the following:

(a) For a registered patient:

1. His or her full legal name;
2. His or her photograph;
3. The randomly assigned identification number on his or
her identification card;

4. The expiration date of the medical marijuana patient registry identification card;

5. The full legal name of his or her designated caregiver, if any;

6. His or her allowed amount of medical marijuana;

7. The concentration ranges of specified cannabinoids, if any, recommended by the patient’s certifying physician; and

8. Whether or not the patient is authorized to smoke medical marijuana.

(b) For a designated caregiver:

1. His or her full legal name;

2. His or her photograph;

3. The randomly assigned identification number on his or her identification card;

4. The expiration date of the medical marijuana patient registry identification card;

5. The full legal name or names of all registered patients the caregiver is registered to assist;

6. The allowed amount of medical marijuana for each patient the caregiver is registered to assist; and

7. The concentration ranges of specified cannabinoids, if any, recommended by the certifying physician for each respective patient the caregiver is registered to assist.

(c) For a physician:

1. His or her full legal name; and

2. His or her license number.

(d) The date and time of dispensing, and the allowed amount of medical marijuana dispensed, for each of that registered
(2) The medical marijuana patient registry must be able to:

(a) Be accessed by a retail licensee or employee to verify the authenticity of a medical marijuana patient registry identification card, to verify the allowed amount and any specified type of medical marijuana recommended by a registered patient’s physician, and to determine the prior dates on which, and times at which, medical marijuana was dispensed to the registered patient and the amount dispensed on each occasion;

(b) Accept in real time the original and updated physician recommendation for medical marijuana from certifying physicians;

(c) Be accessed by law enforcement agencies in order to verify a patient or caregiver authorization for possession of an allowed amount of medical marijuana; and

(d) Accept and post initial and updated information to each registered patient’s file from the dispensing organization which shows the date, time, and amount of medical marijuana dispensed to that registered patient at the point of sale.

Section 7. Section 381.995, Florida Statutes, is created to read:

381.995 Dispensing organizations.—

(1) DEPARTMENT RESPONSIBILITIES.—By January 1, 2017, the department shall establish operating standards for the cultivation, processing, packaging, and labeling of marijuana; establish standards for the sale of medical marijuana; develop licensure application forms for cultivation licenses, processing licenses, cultivation and processing licenses, and retail licenses and make such forms available to the public; establish
procedures and requirements for cultivation facility licenses and renewals, processing facility licenses and renewals, cultivation and processing facility licenses and renewals, and retail licenses and renewals; and begin accepting applications for licensure.

(2) LICENSE APPLICATION AND RENEWAL FEES.—

(a) For a cultivation and processing license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $100,000, and a biennial renewal fee not to exceed $100,000.

(b) For a cultivation license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000.

(c) For a processing license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000.

(d) For a retail license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $10,000, and a biennial renewal fee not to exceed $10,000.

(e) Upon payment of an initial application fee not to exceed $1,000, a licensure fee not to exceed $110,000, and a biennial renewal fee not to exceed $110,000, as applicable, the department shall issue to applicants that meet all of the licensing requirements imposed by this section a combined multi-use license that includes all of the licenses issued under this section and allows the licensee, upon issuance of the license,
to simultaneously engage in cultivation, processing, and retail activities under this section. Applicants for the combined multi-use license must meet all of the requirements for each individual license. The licensee of a combined multi-use license issued under this paragraph must comply with all of the requirements imposed on licensees under this act. An entity that holds a license issued pursuant to former s. 381.986, Florida Statutes 2015, or rules adopted pursuant to that section are grandfathered and shall be issued a combined multi-use permit upon application to the department on or after March 1, 2017.

(3) CULTIVATION AND PROCESSING LICENSES.—The department must begin issuing cultivation and processing licenses, cultivation licenses, and processing licenses by March 1, 2017, and retail licenses by July 1, 2017.

(a) The department may issue a cultivation and processing license, a cultivation license, or a processing license to an applicant who provides:

1. A completed license application form;
2. The initial application fee;
3. The full legal name of the applicant;
4. The physical address of each location where marijuana will be cultivated, processed, or cultivated and processed;
5. The name, address, and date of birth of each principal, if applicable;
6. The name, address, and date of birth of each of the applicant’s current employees who will participate in the operations of the dispensing organization;
7. Proof that all principals, contractors, and employees of the applicant have passed a level 2 background screening...
pursuant to chapter 435 within the prior year;

8. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time designed to, as applicable to the license requested, cultivate, process, test, package, and label marijuana and to deliver medical marijuana to retail facilities throughout the state;

9. Proof that the applicant possesses the technical and technological ability to cultivate, process, test, or cultivate and process medical marijuana, as applicable to the license requested;

10. Proof of operating procedures designed to secure and maintain accountability for all marijuana and marijuana-related byproducts it may possess;

11. Proof of the financial ability to maintain operations for the duration of the license;

12. Proof of at least $1 million of hazard and liability insurance for each licensed cultivation facility or processing facility; and

13. A $1 million performance and compliance bond, to be forfeited if the licensee fails to maintain its license for the duration of the licensure period or fails to comply with the substantive requirements of this subsection and applicable agency rules for the duration of the licensure period.

(b) A dispensing organization that was issued a license before July 1, 2016, may renew its license as cultivation licensee, processing licensee, or cultivation and processing licensee upon a showing that it meets the requirements in this section.

(c) A cultivation license, a processing license, or a
cultivation and processing license expires 2 years after the
date it is issued. The licensee must apply for a renewed license
before the expiration date. In order to receive a renewed
license, the licensee must provide all documents required under
paragraph (a) and must not have any outstanding substantial
violation of the standards established by the department for the
cultivation, processing, testing, packaging, and labeling of
marijuana and medical marijuana.

(d) A cultivation licensee, a processing licensee, and a
cultivation and processing licensee may cultivate marijuana at
one or more facilities only if each licensed facility has been
inspected by the department. A cultivation and processing
licensee may process marijuana at one or more processing
facilities. A cultivation and processing licensee may cultivate
and process marijuana at the same facility only if that facility
has been inspected by the department and issued both a
cultivation facility license and a processing facility license.

(e) Before beginning cultivation, processing, or
cultivation and processing at a facility, the facility must be
inspected and issued a cultivation facility license, a
processing facility license, or a cultivation and processing
license by the department. The department must inspect and
certify a facility within 30 days after receiving a request for
certification from a dispensing organization.

(f) After the license of a cultivation facility, a
processing facility, or a cultivation and processing facility
expires, the facility must be reinspected and reissued a new
license if the facility passes inspection. Each cultivation
facility, processing facility, or cultivation and processing
facility must be secure and closed to the public and may not be located within 1,000 feet of an existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services. The department may establish by rule additional security and zoning requirements for cultivation facilities, processing facilities, and cultivation and processing facilities. All matters regarding the licensure and regulation of cultivation, processing, and cultivation and processing facilities, including the location of such facilities, are preempted to the state.

(g) A cultivation licensee, a processing licensee, and a cultivation and processing licensee may cultivate or process marijuana only for the purpose of producing medical marijuana and may do so only at a facility licensed for the activity being performed. The processing may include, but is not limited to, processing marijuana into medical marijuana and processing medical marijuana into various forms, including, but not limited to, topical applications, oils, and food products for a registered patient’s use. A dispensing organization may use a contractor to cultivate marijuana, to process marijuana into medical marijuana, or to process medical marijuana into other forms, but the dispensing organization is responsible for all of the operations performed by each contractor relating to the cultivation and processing of marijuana and the physical possession of all marijuana and medical marijuana. All work done by a contractor must be performed at a facility licensed for the activity being performed. All marijuana byproducts that cannot be processed or reprocessed into medical marijuana must be...
destroyed by the dispensing organization or its contractor within 48 hours after processing is completed.

(h) A dispensing organization licensee may transport, or contract to have transported, medical marijuana and medical marijuana product to one or more independent testing laboratories to be tested and licensed as medical marijuana.

(i) A cultivation licensee, a processing licensee, and a cultivation and processing licensee may sell, transport, and deliver medical marijuana and medical marijuana product to retail licensees throughout the state. A cultivation licensee, a processing licensee, and a cultivation and processing licensee may also wholesale, transport, and deliver medical marijuana to another dispensing organization.

(4) RETAIL LICENSES.—The number of retail licenses in any county may not exceed one license to each 50,000 residents in the county. The governing body of a county or municipality may, by ordinance, refuse to allow retail facilities to be located within its jurisdiction. The department may not license any retail facility in a county or municipality if the board of county commissioners for that county or the city council or other legislative body of the municipality determines by ordinance that retail facilities may not be located within that county or municipality. A county or municipality may not prohibit retail deliveries of medical marijuana to registered patients within the county or municipality. A county or municipality may levy a local business tax on a retail facility. A retail facility may not be located on the same property as a cultivation facility, a processing facility, or a cultivation and processing facility or within 1,000 feet of an existing
(a) An applicant for a retail license must provide the department with, at a minimum, all of the following:

1. A completed retail license application form.
2. The initial application fee.
3. The full legal name of the applicant.
4. The physical address of the retail facility where medical marijuana will be dispensed.
5. Identifying information for all other current or previous retail licenses held by the applicant.
6. The name, address, and date of birth for each of the applicant’s principals.
7. The name, address, and date of birth of each of the applicant’s current employees who will participate in the operations of the dispensing organization.
8. Proof that all principals, contractors, and employees of the applicant have passed a level 2 background screening pursuant to chapter 435 within the prior year.
9. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed to receive medical marijuana from a cultivation licensee, a processing licensee, or a cultivation and processing licensee, the ability to maintain the security of the retail facility to prevent theft or diversion of any medical marijuana product received, the ability to correctly dispense the allowed amount and specified type of medical marijuana to a registered patient or his or her designated caregiver pursuant to a
physician’s recommendation, the ability to check the medical marijuana patient registry, and the ability to electronically update the medical marijuana patient registry with dispensing information.

10. Proof of operating procedures designed to secure and maintain accountability for all medical marijuana and medical marijuana product that it may receive and possess.

11. Proof of the financial ability to maintain operations for the duration of the license.

12. Proof of at least $500,000 of hazard and liability insurance for each license.

13. A $1 million performance and compliance bond, for each license, to be forfeited if the licensee fails to maintain the license for the duration of the licensure period or fails to comply with the requirements of this paragraph for the duration of the licensure period.

(b) The department may not issue a retail license for a facility that is located on the same property as a cultivation facility, processing facility, or cultivation and processing facility.

(c) If the number of completed applications received exceeds the number of available licenses in a county, the department shall use a lottery system to award licenses. The department may issue multiple retail licenses to a single qualified entity; however, to encourage a competitive marketplace, when multiple entities have applied for a license in the same county, the department shall deny an applicant’s inclusion in the lottery if the applicant, or a person with a direct or indirect interest in the applicant, has a direct or
indirect interest in another applicant in the lottery or another retail facility licensed within the county.  

(d) A dispensing organization that was issued a license before July 1, 2016, may be issued a retail facility license upon a showing that the licensee meets the requirements in this subsection. Such licensee is exempt from the limitation on the number of retail facility licenses that may be issued per county as provided in this subsection.  

(e) A retail license expires 2 years after the date it is issued. The retail licensee must reapply for renewed licensure before the expiration date. In order to qualify for a renewed license, a retail licensee must meet all of the requirements for initial licensure and have no outstanding substantial violations of the applicable standards established by the department.  

(f) Before beginning to dispense, each retail facility must be inspected by the department. Retail licensees may dispense the allowed amount of medical marijuana to a registered patient or the patient’s designated caregiver only if the dispensing organization’s employee:

1. Verifies the authenticity of the patient’s or caregiver’s identification card with the medical marijuana patient registry;

2. Verifies the physician’s recommendation for medical marijuana with the medical marijuana patient registry;

3. Determines that the registered patient has not been dispensed the allowed amount of marijuana within the previous 30 days;

4. Issues the registered patient or the patient’s caregiver a receipt that details the date and time of dispensing, the
amount of medical marijuana dispensed, and the person to whom
the medical marijuana was dispensed; and

5. Updates the medical marijuana patient registry with the
date and time of dispensing and the amount and type of medical
marijuana being dispensed to the registered patient before
dispensing to that patient or that patient’s designated
caregiver.

(g) A retail facility may not repackage or modify a medical
marijuana product that has already been packaged for retail sale
by cultivation or processing facilities.

(h) Retail facilities may deliver medical marijuana to
registered patients at a location other than the licensed
location of the facility in vehicles registered with the
department, as provided in subsection (5).

(i) Retail licensees may contract with licensed and bonded
carriers to transport in vehicles registered with the
department, as provided in subsection (5), medical marijuana and
medical marijuana product between properties owned by the
licensee and to deliver it to the residence of a registered
patient.

(5) VEHICLES AND TRANSPORTATION.—

(a) The department shall adopt rules to:

1. Establish a documentation system, including
transportation manifests, for the transportation of medical
marijuana and medical marijuana products between licensed
facilities.

2. Establish health and sanitation standards for the
transportation of medical marijuana and medical marijuana
products.
3. Require all medical marijuana and medical marijuana products transported between licensed facilities to be transported in tamper-evident shipping containers.

4. Require all medical marijuana and medical marijuana products to be packaged for sale by a cultivation or processing licensee.

(b) Medical marijuana may not be transported on the property of an airport, seaport, or spaceport.

(c) A dispensing organization may transport medical marijuana or medical marijuana products departing from their places of business only in vehicles that are owned or leased by the licensee or by a person designated by the dispensing organization, and for which a valid vehicle permit has been issued for such vehicle by the department.

(d) Only a person designated by the dispensing organization may operate a permitted vehicle to transport medical marijuana from the licensee’s place of business.

(e) A vehicle owned or leased by the dispensing organization or a person designated by the dispensing organization and approved by the department must be operated by such person when transporting medical marijuana or medical marijuana product from the licensee’s place of business.

(f) A vehicle permit may be obtained by a dispensing organization upon application and payment of a fee of $500 per vehicle to the department. The signature of the person designated by the dispensing organization to drive the vehicle must be included on the vehicle permit application. Such permit remains valid and does not expire unless the licensee or any person designated by the dispensing organization disposes of his
or her vehicle, or the licensee’s license is transferred, cancelled, not renewed, or revoked by the department, whichever occurs first. The department shall cancel a vehicle permit upon request of the licensee or owner of the vehicle.

(g) By acceptance of a license issued under this section, the licensee agrees that the licensed vehicle is, at all times it is being used to transport medical marijuana or medical marijuana product, subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the licensee is transporting such products in compliance with this section.

(6) ADVERTISING PROHIBITED.—A licensee under this act may not advertise its medical marijuana or medical marijuana product. For the purpose of this subsection, the term “advertise” means to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statement made in a newspaper or other publication or on radio or television, any electronic medium, or contained in any notice, handbill, sign, including signage on any vehicle, flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying medical marijuana or medical marijuana product.

(7) INSPECTIONS OF DISPENSING ORGANIZATION FACILITIES.—Inspections of dispensing organization facilities, other than those inspections required for fire and building safety, are preempted to the state and may be conducted by the department. The department must inspect and license each dispensing organization’s cultivation facilities, processing facilities,
cultivation and processing facilities, and retail facilities before those facilities begin operations. The department must also inspect each licensed facility, as well as any property used for cultivation of marijuana, at least once every 2 years. The department may also conduct additional announced or unannounced inspections at reasonable hours in order to ensure that such facilities and properties meet the standards set by the department. The department may test any medical marijuana or medical marijuana product in order to ensure that such medical marijuana or medical marijuana product meets the standards established by the department. The department may, by interagency agreement with the Department of Business and Professional Regulation or with the Department of Agriculture and Consumer Services, perform joint inspections of such facilities with those agencies.

(8) ACCESS TO LICENSED FACILITIES.—The department shall adopt rules governing access to licensed facilities and delineating limited access areas, restricted access areas, and general access areas at all licensed facilities. Access to limited access areas must be limited to licensees and their employees and escorted visitors. Access to restricted access areas must be limited to licensees and their employees, qualified patients, personal caregivers, and escorted visitors. The department may adopt rules governing visitor access to limited access and restricted access areas, including, but not limited to, the number of visitors that may be escorted on the premises at any given time and the number of visitors that may be escorted by a single employee.

(9) ADDITIONAL REQUIREMENTS.—
(a) A licensee is responsible for knowing and complying with all state laws and rules governing medical marijuana.

(b) The licensed premises must comply with all security and surveillance requirements established by the department by rule before the licensee can cultivate, sell, dispense, possess, process, or test any medical marijuana on the licensed premises. All areas of ingress or egress to limited access areas of the licensed facility must be clearly identified as such by signage approved by the department.

(c) A licensee must possess and maintain possession of the premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of the premises.

(d) A licensee must keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for inspections and examination by the department and the duly authorized representatives of the Department of Law Enforcement. A licensee must retain all books and records necessary to show fully the business transactions of the business for a period of the current tax year and the 3 preceding tax years as required by the department by rule.

(e) A licensee must establish an inventory tracking system that is approved by the department.

(f) Any medical marijuana or medical marijuana product must meet the labeling and packaging requirements as established by the department by rule.

(10) VIOLATIONS, FINES, AND ADMINISTRATIVE PENALTIES.—

(a) The department must create a schedule of violations in rule in order to impose reasonable fines not to exceed $10,000
per violation on a dispensing organization. In determining the amount of the fine to be levied for a violation, the department shall consider:

1. The severity of the violation;
2. Any actions taken by the dispensing organization to correct the violation or to remedy complaints; and
3. Any previous violations.

(b) The department may suspend, revoke, deny, or refuse to renew a license of a dispensing organization, or impose an administrative penalty not to exceed $10,000, for the following acts or omissions:

1. Violating this act or department rule.
2. Failing to maintain qualifications for licensure.
3. Endangering the health, safety, or security of a qualified patient.
4. Improperly disclosing personal and confidential information of the qualified patient.
5. Attempting to procure a license by bribery or fraudulent misrepresentation.
6. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.
7. Making or filing a report or record that the licensee knows to be false.
8. Willfully failing to maintain a record required by this section or rule of the department.
9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official
10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under state law. A licensing authority’s acceptance of a relinquishment of licensure or a stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the licensee, shall be construed as an action against the license.

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

(11) DISPENSING ORGANIZATION LIST.—The department shall maintain a publicly available, easily accessible list on its website of all licensed retail facilities.

Section 8. Section 381.9951, Florida Statutes, is created to read:

381.9951 Taxes on medical marijuana and medical marijuana product.—
(1) Notwithstanding s. 212.08, the sale of medical marijuana and all medical marijuana product is subject to the sales tax under chapter 212.

(2) The Department of Revenue must deposit, in the same month as the department collects such taxes, all proceeds of sales taxes collected on the sale of medical marijuana and medical marijuana product into the Education/General Student and Other Fees Trust Fund to fund research and development related to the safety and efficacy of medical marijuana and medical marijuana product as determined by the Board of Governors.

Section 9. Section 381.996, Florida Statutes, is created to read:

381.996 Patient certification.—

(1) A physician may certify a patient to the department as a qualified patient if:

(a) The physician has seen the patient on a regular basis for a period of at least 3 months;

(b) The physician, in his or her good faith medical judgment, finds that the patient chronically suffers from one or more of the qualifying conditions or symptoms specified in s. 381.991(24) or s. 381.991(25); and

(c) For patients who do not suffer from a condition listed in s. 381.991(24)(a)-(k), the physician certifies that in his or her good faith medical judgment, there are no reasonable alternative medical options for that patient’s relief of such symptom or symptoms.

(d) The physician does not have a financial interest in a business or enterprise engaged in the cultivation, processing, or retail sale of medical marijuana or medical marijuana...
products or in an independent testing laboratory that conducts
tests of medical marijuana or medical marijuana products.

(2) After certifying a patient by submitting a patient-
certification form to the department, the physician must
electronically transfer an original copy of the physician
recommendation for medical marijuana for that patient to the
medical marijuana patient registry. The physician recommendation
must include, at a minimum, the allowed amount of medical
marijuana and the concentration ranges for individual
cannabinoids, if any. The physician must also update the medical
marijuana patient registry with any changes in the
specifications of his or her recommendation for that patient
within 7 days after the change.

(3) If the physician becomes aware that alternative
treatments are available, that the patient no longer suffers
from his or her qualifying condition or symptom, or if the
physician’s recommendation for the allowed amount of medical
marijuana changes for that patient, the physician must update
the medical marijuana patient registry with the new information
within 7 days.

(4) In order to qualify to issue patient certifications for
medical marijuana, and before recommending medical marijuana for
any patient, a physician must successfully complete an 8-hour
course and subsequent examination offered by the Florida Medical
Association or the Florida Osteopathic Medical Association, as
appropriate, which encompasses the clinical indications for the
appropriate use of medical marijuana, the appropriate delivery
mechanisms, the contraindications of the use of medical
marijuana, and the relevant state and federal laws governing the

CODING: Words stricken are deletions; words underlined are additions.
ordering, dispensing, and possession of medical marijuana. The appropriate boards shall offer the first course and examination for certification by October 1, 2016, and shall administer them at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements imposed by his or her respective board for licensure renewal. This course may be offered in a distance-learning format. Successful completion of the course and examination is required for every physician who recommends medical marijuana each time such physician renews his or her license.

Section 10. Section 381.997, Florida Statutes, is created to read:

381.997 Medical marijuana testing and labeling.—
(1) To ensure accurate reporting of test results, the department shall adopt by rule a certification process and testing standards for independent testing laboratories. The Department of Agriculture and Consumer Services shall provide resources to the department regarding the certification process and standards for laboratories that test similar agricultural products and their derivatives in this state. The standards must include, but are not limited to, educational requirements for laboratory directors, proficiency testing for professional licensees employed by a laboratory, standard operating procedures, and quality control procedures for testing.

(2) A cultivation licensee, a processing licensee, and a cultivation and processing licensee may not distribute or sell medical marijuana or medical marijuana product to a retail licensee unless the batch of origin of that medical marijuana or
medical marijuana product has been tested by an independent
testing laboratory and the cultivation licensee, processing
licensee, or cultivation and processing licensee has received
test results from that laboratory which certify that the batch
meets the quality standards established by the department.

(3) When testing a batch of marijuana or marijuana product,
an independent testing laboratory must, at a minimum, test for
unsafe contaminants and for presence and concentration of
individual cannabinoids.

(4) Each independent testing laboratory must report its
findings for each batch tested to the cultivation licensee,
processing licensee, or cultivation and processing licensee from
which the batch originated and to the department. Such findings
must include, at a minimum, the certificate number or numbers of
the cultivation facility, processing facility, or cultivation
and processing facility from which the batch originated, the
size and batch number of the batch tested, the types of tests
performed on the batch, and the results of each test.

(5) The department shall establish by rule a comprehensive
tracking and labeling system that allows a medical marijuana
plant or product to be identified and tracked from cultivation
to final retail product. The department may establish rules
determining qualifications for private entities to provide
product tracking services to meet the requirements of this
subsection and may establish a preferred vendor list using those
qualifications.

(6) Before distribution or sale to a retail licensee, any
medical marijuana or medical marijuana product that meets
department testing standards must be packaged in a child-
resistant container and labeled with at least the name and license number of the cultivation licensee, processing licensee, cultivation and processing licensee, or combined multi-use licensee; the certificate number of the facility or facilities where the batch was harvested and processed; the harvest or production batch number; the concentration range of each individual cannabinoid present at testing; a warning statement and a universal, easily identifiable symbol indicating that the package contains medical marijuana; and any other information required under Florida or federal law, rules, or regulations for that form of the product, including any additional information required for edible products. For purposes of this subsection, any oil-based extraction meant for direct consumption in small quantities as a supplement need not be labeled as a food product.

(7) Before sale to a registered patient or designated caregiver, a retail licensee must affix an additional label to each medical marijuana product which includes the licensee’s name and license number and the patient identification number of the qualified patient who is to receive the product.

(8) By January 1, 2017, the department must establish standards for quality, testing procedures, and maximum levels of unsafe contaminants. The department must also create a list of individual cannabinoids that must be tested for, concentrations that are considered significant for those cannabinoids, and varying ranges of concentrations for each cannabinoid upon which a physician may base his or her recommendation for a patient’s use of a specific strain of medical marijuana.

Section 11. Section 381.998, Florida Statutes, is created
to read:

381.998 Penalties.—

(1) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if he or she recommends medical marijuana for a patient without a reasonable belief that the patient is suffering from a condition or symptom listed in s. 381.991(24) or s. 381.991(25).

(2) A person who fraudulently represents that he or she has a medical condition or symptom listed in s. 381.991(24) or s. 381.991(25) for the purpose of being recommended medical marijuana by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who knowingly and fraudulently attempts to use or uses an identification card that is expired, is counterfeit, or belongs to someone other than the person attempting to use the card commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Section 381.999, Florida Statutes, is created to read:

381.999 Insurance.—The Florida Medical Marijuana Act does not require a governmental, private, or other health insurance provider or health care services plan to cover a claim for reimbursement for the purchase of medical marijuana, though it does not restrict such coverage.

Section 13. Section 381.9991, Florida Statutes, is created to read:

381.9991 Rulemaking authority.—The department may adopt rules to implement ss. 381.99-381.9991.

Section 14. Section 381.987, Florida Statutes, is amended
to read:

381.987 Public records exemption for personal identifying information in the medical marijuana patient compassionate use registry.—

(1) A patient’s personal identifying information held by the department in the medical marijuana patient compassionate use registry established under s. 381.994 s. 381.986, including, but not limited to, the patient’s name, address, telephone number, and government-issued identification number, and all information pertaining to the physician’s recommendation order for medical marijuana low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) A physician’s identifying information held by the department in the medical marijuana patient compassionate use registry established under s. 381.994 s. 381.986, including, but not limited to, the physician’s name, address, telephone number, government-issued identification number, and Drug Enforcement Administration number, and all information pertaining to the physician’s recommendation order for medical marijuana low-THC cannabis and the dispensing thereof are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The department shall allow access to the registry, including access to confidential and exempt information, to:

(a) A law enforcement agency that is investigating a violation of law regarding cannabis in which the subject of the investigation claims an exception established under s. 381.992 s. 381.986.
(b) A dispensing organization approved by the department pursuant to s. 381.995 or s. 381.986 which is attempting to verify the authenticity of a physician’s recommendation order for medical marijuana low-THC cannabis, including whether the recommendation order had been previously filled and whether the recommendation order was written for the person attempting to have it filled.

(c) A physician who has written a recommendation order for medical marijuana low-THC cannabis for the purpose of monitoring the patient’s use of such medical marijuana cannabis or for the purpose of determining, before issuing a recommendation order for medical marijuana low-THC cannabis, whether another physician has recommended ordered the patient’s use of medical marijuana low-THC cannabis. The physician may access the confidential and exempt information only for the patient for whom he or she has recommended ordered or is determining whether to recommend order the use of medical marijuana low-THC cannabis pursuant to s. 381.993(2) or s. 381.986.

(d) An employee of the department for the purposes of maintaining the registry and periodic reporting or disclosure of information that has been redacted to exclude personal identifying information.

(e) The department’s relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a physician if he or she is involved in a specific investigation of a violation of s. 381.995(10) or s. 381.986. If a health care regulatory board’s investigation reveals potential criminal activity, the board may provide any relevant information to the appropriate law enforcement agency.
(f) A person engaged in bona fide research if the person agrees:

1. To submit a research plan to the department which specifies the exact nature of the information requested and the intended use of the information;

2. To maintain the confidentiality of the records or information if personal identifying information is made available to the researcher;

3. To destroy any confidential and exempt records or information obtained after the research is concluded; and

4. Not to contact, directly or indirectly, for any purpose, a patient or physician whose information is in the registry.

(4) All information released from the registry under subsection (3) remains confidential and exempt, and a person who receives access to such information must maintain the confidential and exempt status of the information received.

(5) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 15. Section 385.211, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "medical marijuana" "low-THC cannabis" means "medical marijuana" "low-THC cannabis"
as defined in s. 381.991 s. 381.986 that is dispensed only from
a dispensing organization as defined in s. 381.991 s. 381.986.

(2) Notwithstanding chapter 893, medical centers recognized
pursuant to s. 381.925 may conduct research on cannabidiol and
medical marijuana low-THC cannabis. This research may include,
but is not limited to, the agricultural development, production,
clinical research, and use of liquid medical derivatives of
cannabidiol and medical marijuana low-THC cannabis for the
treatment for refractory or intractable epilepsy. The authority
for recognized medical centers to conduct this research is
derived from 21 C.F.R. parts 312 and 316. Current state or
privately obtained research funds may be used to support the
activities described in this section.

Section 16. Subsection (3) of section 893.02, Florida
Statutes, is amended to read:

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

(3) “Cannabis” means all parts of any plant of the genus
Cannabis, whether growing or not; the seeds thereof; the resin
extracted from any part of the plant; and every compound,
manufacture, salt, derivative, mixture, or preparation of the
plant or its seeds or resin. The term does not include “medical
marijuana” “low-THC cannabis,” as defined in s. 381.991 s.
381.986, if manufactured, possessed, sold, purchased, delivered,
distributed, or dispensed, in conformance with the Florida
Medical Marijuana Act s. 381.986.

Section 17. Section 1004.441, Florida Statutes, is amended
to read:
Refractory and intractable epilepsy treatment and research on the use of medical marijuana to treat serious medical conditions and symptoms.—

(1) As used in this section, the term “medical marijuana” “low-THC cannabis” means “medical marijuana” “low-THC cannabis” as defined in s. 381.991 that is dispensed only from a dispensing organization as defined in s. 381.991.

(2) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on medical marijuana and cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives and medical marijuana product and of cannabidiol and low-THC cannabis for the treatment of any qualifying condition or qualifying symptom listed in s. 381.991 for refractory or intractable epilepsy. The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities authorized by this section.

Section 18. The University of Florida, in consultation with a veterinary research organization, may conduct research to determine the benefits and contraindications of the use of low-THC cannabis and low-THC cannabis products for treatment of animals with seizure disorders or other life-limiting illnesses. State funds may not be used for such research.

Section 19. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity
does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 20. This act shall take effect July 1, 2016.