

# CITY OF FORT PIERCE

## CONFERENCE AGENDA

Conference Agenda Meeting - Monday, July 10, 2017 - 9:00 a.m.  
City Hall - Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
  - a. Swagit Productions LLC will be on site to discuss upgrades/updates and future roadmap for FPTV. There will be open discussion and time for questions and answers.
  - b. Update on Medical Marijuana Legislation and Its Impacts to Local Regulation
  - c. Creation of Charter Review Commission to Examine Relationship of the Fort Pierce Utilities Authority (FPUA) to the City of Fort Pierce.
  - d. Discussion of Fort Pierce Utilities Authority (FPUA) Issues.
5. **City Commission Boards and Committees Updates**
6. **Adjournment**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3052 at least 48 hours prior to the meeting.

**City Commission Conference Agenda**

**4.a.**

**Meeting Date:** 07/10/2017

**Re:** Innovations and Updates for FPTV

**Submitted For:** Devoshay Johnson, IT Manager, Information Technology

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**SUBJECT:**

Swagit Productions LLC will be on site to discuss upgrades/updates and future roadmap for FPTV. There will be open discussion and time for questions and answers.

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**Form Review**

**Inbox**

City Manager

Form Started By: Leticia Cruz

Final Approval Date: 07/07/2017

**Reviewed By**

Nick Mimms

**Date**

07/07/2017 12:43 PM

Started On: 06/23/2017 11:01 AM

**City Commission Conference Agenda**

**4.b.**

**Meeting Date:** 07/10/2017

**Re:** Update on Medical Marijuana Legislation and Its Impacts to Local Regulation

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

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**SUBJECT:**

Update on Medical Marijuana Legislation and Its Impacts to Local Regulation

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**Attachments**

Staff Report

Text of Legislation

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**Form Review**

**Inbox**

City Manager

Form Started By: Rebecca Grohall

Final Approval Date: 07/07/2017

**Reviewed By**

Nick Mimms

**Date**

07/07/2017 12:43 PM

Started On: 07/07/2017 07:02 AM



THE SUNRISE CITY  
**FORT PIERCE**  
PLANNING DEPARTMENT  
*Florida*

**TO:** Nicholas Mimms, PE City Manager  
Honorable Mayor and City Commissioners

**FROM:** Rebecca Grohall, AICP Planning Director

**RE:** Update on Medical Marijuana as it pertains to Land Development Regulations

**DATE:** July 3, 2017

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During the recent Special Session for the Florida Legislature, the Legislature was able to agree upon and adopt rules regulating Medical Marijuana. This bill has also been signed by Governor Scott.

The bill is known as SB 8A implementing the constitutional amendment relating to medical marijuana, finally passed the Legislature during the special session. The bill authorizes 10 new Medical Marijuana Treatment Center (MMTC) licenses, in addition to the seven currently issued. The MMTC is the only entity authorized to grow/cultivate, process and dispense Medical Marijuana. The seven currently licensed MMTC's are: Trulieve, CHT Medical, The Green Solution, Knox Medical, GrowHealthy, Surterra Therapeutics and Modern Health Concepts.

The bill divides the state into five regions (Northwest, Northeast, Central, Southeast, Southwest) and authorizes the Department of Health to determine the maximum number of dispensaries allowed in each region based on population within that region compared to the total state population. A dispensary is a place of business where the retail sale of Medical Marijuana occurs. The bill caps the number of dispensaries per MMTC license at 25.

Under the bill, medical marijuana is exempt from the state sales tax. The bill prohibits the smoking of medical marijuana, but authorizes it to be vaped or consumed in pill or other edible form. There are extensive regulations that prohibit it appearing as any form of candy. The use of medical marijuana, unless it is low-THC cannabis, is prohibited in any public place, on any form of public transportation, in a qualifying patient's place of employment (unless allowed by the employer), on school grounds, or in a school bus, vehicle, aircraft or motorboat. Key to the legislation is also stated hours of operation (not all night facilities) and the "product" must be kept locked, in an almost vault like manner.

Additionally cities that choose to allow them cannot limit the number of dispensaries within their boundaries. Cities can determine the criteria for the location of dispensaries and other permitting requirements that do not conflict with state law or department rule, but such permitting requirements cannot be more restrictive than the zoning or permitting requirements for Pharmacies. Cities are authorized to charge a license or permit fee to MMTC facilities, but the fee cannot be more than what is currently charged for pharmacies. Cities can, by ordinance, ban medical marijuana dispensaries. In the City of Fort Pierce – pharmacies are permitted in the C3, C4 and C5 Commercial zoning regulations. This encompasses much of the US 1 corridor, Orange Avenue and Okeechobee Blvd, as well as the parts of the Downtown district and the Beachside.

One of the few location limiting regulations established in the Florida law is that Dispensaries cannot be located within 500 feet of a public or private elementary, middle or high school, unless the city approves the location through a formal proceeding open to the public and determines that the location promotes the health, safety, and general welfare of the community. This would be a similar process to the Waiver of Distance procedures for alcohol licenses.

Of importance to cities, the bill adds "delivery" to the current preemption on cultivation and processing. In other words, the State has pre-empted cities ability to set guidelines on the cultivation, processing and delivery. Finally, the bill allows cities to ensure that MMTC facilities comply with the Florida Building Code, the Florida Fire Prevention Code or any local amendments to these codes.

Prior to the Florida Legislature drafting these rules St. Lucie County had adopted regulations pertaining to the placement of dispensaries, with the passage of the Bill, these regulations are largely pre-empted. Likewise, local governments (including St. Lucie County) that adopted regulations now find them invalidated. The legislation indicates that local governments must treat them the same as Pharmacies (that sell FDA approved drugs) OR can ban the use entirely, but cannot regulate other aspects of dispensaries.

Staff recommendation: Discuss the new regulations and provide Staff feedback.

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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~~ 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.

**City Commission Conference Agenda**

**4.c.**

**Meeting Date:** 07/10/2017

**Re:** Creation of Charter Review Commission

**Submitted For:** James Messer, City Attorney, City Attorney

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**SUBJECT:**

Creation of Charter Review Commission to Examine Relationship of the Fort Pierce Utilities Authority (FPUA) to the City of Fort Pierce.

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**Form Review**

**Inbox**

City Manager

Form Started By: Angela Wilkinson

Final Approval Date: 07/07/2017

**Reviewed By**

Nick Mimms

**Date**

07/07/2017 02:49 PM

Started On: 07/06/2017 04:43 PM

**City Commission Conference Agenda**

**4.d.**

**Meeting Date:** 07/10/2017

**Re:** Fort Pierce Utilities Authority (FPUA) Issues

**Submitted For:** James Messer, City Attorney, City Attorney

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**SUBJECT:**

Discussion of Fort Pierce Utilities Authority (FPUA) Issues.

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**Attachments**

FPUA Charter Provisions

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
City Manager	Nick Mimms	07/07/2017 02:49 PM
Form Started By: Angela Wilkinson		Started On: 07/07/2017 12:42 PM
Final Approval Date: 07/07/2017		

## **Sec. 169 (a) - Created; powers, duties, responsibilities generally; definitions.**

- (a) There is hereby created and made a part of the government of the City of Fort Pierce a utilities authority to be known and designated as **Fort Pierce Utilities Authority**, City of Fort Pierce, Florida, ... **The authority shall operate as a separate unit of the city government; ... be free from the jurisdiction, direction, and control of other city officers and of the city commission....**

## **Sec. 170(a), (b), (d) and (e) - Composition; qualifications, selection, terms of office, removal and compensation of members .....**

- (a) The **authority** shall **consist of five (5) members, one (1) of whom shall be the mayor....**
- (b) The **city commission** shall ... **elect by a majority vote**, four (4) citizens with such qualifications as are provided for herein ....
- (d) Any **member** may be **removed** from office by the city commission for **malfeasance, misfeasance or nonfeasance in office, or upon conviction of a felony.**
- (e) No person shall be a **member** unless he **shall be a qualified elector of the city. No** person who holds any other **public office** or who is an **employee of the city government** or who has any **business relationship with the authority** other than as a consumer shall be a member, except the mayor and the ex officio member. A member ceasing to possess any of these qualifications shall be **removed from his office forthwith by the city commission.**

## **Sec. 172. - Utilities director....**

The **authority** shall have the **power to appoint** a **utilities director** to be responsible to the authority and who **shall serve at its pleasure....**

## Definition of “**Elector**”

**Elector**: A resident qualified to vote in an election.

## Definitions of “**Malfeasance**”, “**Misfeasance**”, and “**Nonfeasance**”

**Malfeasance**: The wrongful or unjust doing of some act.

**Misfeasance**: Doing a lawful act in an improper manner.

**Nonfeasance**: Failure to perform a duty or a total neglect of duty.

### **Example: A company hires a caterer to provide drinks and food for a retirement party.**

If the caterer accepts a bribe from its client's competitor to undercook the meat, thereby giving those present food poisoning, it is considered **malfeasance**.

If the caterer shows up but only provides drinks (and not the food, which was also paid for), it is considered **misfeasance**.

If the caterer fails to show up, it is considered **nonfeasance**.