



# AGENDA

## Local Planning Agency Meeting

5:45 PM – Thursday, April 02, 2026 – City Hall

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### Call to Order

### Acknowledgement of Quorum and Proper Notice

#### 1. Approval of Minutes

1.1 Approval of Minutes for February 19, 2026 Local Planning Agency Meeting

#### 2. Consideration with Discussion, Public Hearings and Recommendation

2.1 Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

#### 3. Adjournment

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.



# City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis Local Planning Agency

FROM: Rick Gierok, Interim City Manager

DATE: March 19, 2026

RE: Approval of Minutes for February 19, 2026 Local Planning Agency Meeting

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**Introduction:**

This item is for consideration of the minutes of the Local Planning Agency Meeting.

**Recommended Action:**

Approval of the minutes as submitted.

**Prepared By:**

Anna Rottermond, Deputy City Clerk

**Reviewed By:**

Christine Halloran, City Clerk



# MINUTES

## Local Planning Agency Meeting

5:30 PM – Thursday, February 19, 2026 – City Hall

**Call to Order: 5:32 p.m.**

### Acknowledgement of Quorum and Proper Notice

Present: Commissioner George Asbate (arrived at 5:40 p.m.), Commissioner Willie L. Hawkins, Commissioner Michael Holland, Vice Chair Gary Ashcraft, Chair Emily A. Lee

### 1. Approval of Minutes

1.1 January 22, 2026, Local Planning Agency Meeting

Motion made by Commissioner Holland, Seconded by Vice Chair Ashcraft, to approve the minutes. Motion passed on the following vote:

Voting Yea: Commissioner Holland, Vice Chair Ashcraft, Commissioner Hawkins, Chair Lee

### 2. Consideration with Discussion, Public Hearings and Recommendation

2.1 Ordinance Number 24-06A: Repeal of Previously Adopted Ordinance Number 24-06 and Adoption of Replacement Ordinance Number 2024-06A Assignment of Future Land Use for Property with Alternate Key Numbers 1213355 And 1213347

Deputy Director, Jeff Richardson, explained that this ordinance is a readoption of the previously approved Ordinance 24-06, its sole purpose is to correct an omission in the legal description. He emphasized that this is the same request that went to the Municipal Code Review (MCR) in 2024, with no other changes or considerations. The property ownership changed from Suzan EP Vandavelde, Trustee to Grand Island Admix LLC., and the property is located on the west side of Sout Fish Camp Road on the north side of County Road 44.

City Attorney, Sasha Garcia, opened the public hearing at 5:32 p.m. There being no public comment, the hearing was closed at 5:32 p.m.

Motion by Commissioner Holland; Seconded by Vice Chair Ashcraft to approve Ordinance Number 24-06. Motion passed on the following vote:

Voting Yea: Commissioner Holland, Vice Chair Ashcraft, Commissioner Hawkins, Chair Lee

2.2 Ordinance Number 2026-07: Comprehensive Plan Amendment for Annexation of Parcel with Alternate Key Number 1040141

Senior Planner, Kyle Wilkes, presented the request for annexation of approximately ten (10) acres from WD of America. The applicant Travis Sawchuk was present. The proposal seeks to change the land use from urban low to general commercial and assign a suburban corridor design district. He noted this property had appeared before the LPA previously and is located at the corner of County Roads 44A and 44. The

property is part of an enclave and is adjacent to existing general commercial uses evaluated the request based on the comprehensive plan criteria and found it consistent, with adequate utilities available and no wetland or flood zone issues present.

City Attorney Garcia opened the public hearing at 5:36 p.m.

Sabrina Lewis, a Spring Ridge Community resident, expressed concerns about potential impacts to her community, particularly given the recent flooding issues. She questioned the type of commercial development that was being planned and worried about property value impacts, noting that the area was originally supposed to be conservation land.

Applicant Travis Sawchuk addressed the LPA expressing his commitment to responsible development. He referenced a proposed developer's agreement containing a 30-year moratorium on undesirable uses and emphasized that his property remained high and dry during recent floods. Continuing, he described his vision for a village-like development with limited retail services, designed to be open, airy, and park-like rather than maximizing allowable square footage. Mr. Sawchuck specifically mentioned that the draft agreement prohibits gas stations, laundromats, cannabis-related businesses, adult material stores, and freestanding liquor stores.

Discussion was held regarding the relationship between annexation and development agreements.

City Attorney Garcia clarified that annexation cannot be conditioned upon a development agreement, they must be considered separately.

Vice Chair Ashcraft expressed frustration with the process, drawing comparisons to the Moss development and questioning why commercial projects should be treated differently than residential ones regarding timing of agreements.

City Manager, Tom Carrino, emphasized the need to separate the development agreement from the annexation process, explaining that annexation must meet statutory requirements without additional conditions.

City Attorney Garcia confirmed that while Mr. Sawchuk has been working with staff on a draft agreement, it had not been formally reviewed and is not part of the current consideration.

Trina Marquez, a resident, questioned the existence and public availability of the referenced development agreement, leading to clarification that no final agreement exists and none are being considered at this meeting.

Commissioner Asbate arrived at 5:40 p.m.

There being no further public comment, City Attorney Garcia closed the public hearing at 5:45 p.m.

Agency members expressed varying concerns about approving commercial zoning without binding commitments. Commissioner Holland praised Mr. Sawchuk's architectural drawings but remained concerned about flooding impacts on the area. Commissioner Ashcraft voiced frustration with the procedural limitations, while Commissioner Asbate suggested the need for more information and potentially tabling the item.

After extensive discussion about proper procedures, City Attorney Garcia suggested that future consideration could include the annexation alongside a fully developed agreement for transparency, followed by separate consideration of land use designation and design district at a subsequent meeting.

Motion by Commissioner Hawkins, Seconded by Chair Lee to approve Ordinance Number 2026-07. Motion failed on the following vote:

Voting Yea: Commissioner Hawkins

Voting Nay: Commissioner Holland, Commissioner Asbate, Vice Chair Ashcraft, Chair Lee

2.3 Ordinance Number 2026-10: Future Land Use Map Amendment Comprehensive Plan Amendment for Annexation of Parcel with Alternate Key Number 39590373.

Following the denial of the previous item, Senior Planner Wilkes presented the related 2.8-acre property request from T&S FL Partners Inc., seeking annexation with a land use change from urban low to mixed commercial/industrial (MCI) and suburban corridor design district designation. This property is adjacent to the previously discussed 10-acre parcel and contains existing metal structures that would become nonconforming without the MCI designation.

City Attorney Garcia opened the public hearing at 5:49 p.m.

Mr. Sawchuk explained this was his personal property, it is separate from the 10-acre parcel, intended for low-profile office and warehouse use. He described it as suitable for businesses like plumbing contractors who need office space with inventory storage capability. The discussion revealed uncertainty about what uses are currently permitted under the county's urban low designation.

Commissioner Asbate pressed for clarity about current county permissions versus proposed city uses, but staff could not provide definitive answers about county allowances. The LPA noted that something would likely be developed on the property whether under county or city jurisdiction, with the city potentially having more control if annexed.

Ms. Marquez asked if the agreement would be available to the public because she had not seen it.

There being no further public comment, City Attorney Garcia closed the public hearing at 6:02 p.m. and suggested bringing both properties back together with a complete development agreement for full transparency, allowing the annexation to be considered alongside binding commitments before determining land use designations.

The LPA's consensus supported postponing consideration to allow staff and the city attorney time to work with the applicant on a comprehensive agreement addressing both properties.

Motion by Commissioner Holland, Seconded by Commissioner Hawkins to table Ordinance Number 2026-10 and have it brought back next month for reconsideration after city staff and city attorney review. Motion passed on the following vote:

Voting Yea: Commissioner Holland, Commissioner Asbate, Vice Chair Ashcraft, Commissioner Hawkins, Chair Lee

**Adjournment: 6:10 p.m.**

*\*These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to [www.eustis.org](http://www.eustis.org) and click on the video for the meeting. If available, the video recording may be accessible at <https://www.youtube.com/@EustisComRel/streams> or an audio recording may be requested from the office of the City Clerk.*

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CHRISTINE HALLORAN  
City Clerk

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EMILY A. LEE  
Chair



## City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis Local Planning Agency

FROM: Rick Gierok, Interim City Manager

DATE: April 2, 2026

RE: Ordinance Number 2026-20: Amendment to the Land Development Regulations  
– Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

### **Introduction**

The proposed ordinance amends the City of Eustis Land Development Regulations to prohibit Medical Marijuana Treatment Center (“MMTC”) dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes. The ordinance establishes a separate land use classification for MMTC dispensing facilities, removes such uses from the definition of “pharmacy,” and prohibits such uses in all land use districts.

Existing legally established MMTC dispensing facilities are permitted to continue as lawful nonconforming uses subject to the City’s nonconformity provisions.

### **Background/Prior City Regulatory Actions**

The City has previously evaluated and revised its regulatory approach to MMTC dispensing facilities:

- **2017** – The City prohibited MMTC dispensing facilities.
- **2020** – The City revised its approach to allow such facilities by classifying them as “pharmacies.”
- **2025** – The Local Planning Agency (“LPA”) reviewed the statutory framework and regulatory options and reached a consensus on re-establishing the prior prohibition.

During the April 3, 2025 LPA meeting, staff presented the statutory options under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards. The LPA discussed the operational characteristics and regulatory limitations associated with such facilities and reached consensus recommending that the City consider a prohibition while allowing existing facilities to continue.

### **Current Regulatory Framework**

Under the current Land Development Regulations:

- MMTC dispensing facilities are treated as “pharmacies”
- Pharmacies are permitted or conditionally allowed in multiple land use districts

As a result, the City's ability to regulate MMTC dispensing facilities independently is constrained by state law, which requires such facilities to be treated similarly to pharmacies unless prohibited.

### **Analysis/Statutory Authority**

Section 381.986(11)(b), Florida Statutes expressly authorizes municipalities to:

1. Prohibit MMTC dispensing facilities; or
2. Allow such facilities subject to pharmacy equivalency requirements

The proposed ordinance exercises the City's authority to prohibit such uses.

### **Land Use and Operational Characteristics**

Based on observations of existing facilities within the City and review of regulatory requirements, MMTC dispensing facilities exhibit characteristics distinct from traditional pharmacies, including:

- Controlled-access entry and limited public accessibility
- Enhanced on-site security measures
- Patient verification procedures
- Restricted interior access
- Episodic traffic and parking demand patterns

These characteristics differ from traditional pharmacies, which operate as general retail uses open to the public.

Staff finds that these operational differences result in:

- Distinct land use impacts
- Compatibility considerations with surrounding uses
- Site design and operational characteristics not adequately addressed through pharmacy classification

### **Alternatives Considered**

The City evaluated the following alternatives:

- Continued classification as pharmacies
- Location-based limitations (e.g., buffers, dispersion requirements)
- Conditional use approvals
- Citywide prohibition

The City determined that:

- Pharmacy classification limits regulatory flexibility
- Location-based restrictions may lead to inconsistent and parcel-specific outcomes
- Conditional use processes introduce unpredictability and administrative complexity
- A uniform prohibition provides a consistent, predictable, and administratively efficient regulatory framework

### **Existing Facilities and Access**

There are multiple legally established MMTC dispensing facilities currently operating within the City. The ordinance:

- Allows these facilities to continue as lawful nonconforming uses
- Does not require cessation of operations

- Does not impose new operational restrictions on existing facilities

Additionally, MMTC dispensing facilities are available in surrounding jurisdictions, ensuring that qualified patients retain reasonable access.

### **Vested Rights and Pending Applications**

The ordinance applies prospectively and includes provisions clarifying that:

- Applications must be complete to be considered
- Preliminary inquiries and verification requests do not establish vested rights
- Vested rights, if any, are determined under applicable Florida law

This approach ensures fairness while maintaining the City's ability to implement prospective land use policy.

### **Comprehensive Plan Consistency**

The proposed ordinance is consistent with the City of Eustis Comprehensive Plan, including policies related to:

- Compatible land use patterns
- Protection of neighborhood character
- Predictable and orderly development
- Implementation of land development regulations that promote public health, safety, and welfare

### **Fiscal Impact**

There is no direct fiscal impact anticipated.

- Existing facilities will continue operation
- No new regulatory programs or staffing are required
- Enforcement will occur through existing City processes

### **Recommendation**

Staff recommends transmittal of Ordinance Number 2026-20 to the Eustis City Commission.

The proposed ordinance:

- Is expressly authorized under state law
- Is supported by the City's legislative findings and local observations
- Provides a clear, uniform, and administratively efficient regulatory framework
- Preserves existing lawful uses while establishing prospective land use policy

### **Business Impact Estimate**

A Business Impact Estimate has been prepared in accordance with Section 166.041(4), Florida Statutes. The estimate concludes that:

- No direct compliance costs are imposed on existing businesses
- No new fees or charges are created
- Impacts are limited to future businesses that may seek to locate within the City

### **Attachments**

Ordinance Number 2026-20

Exhibit "A" – Land Development Regulation Amendments

Business Impact Estimate Eligibility Form

Business Impact Estimate  
Section 381.986, Florida Statutes (2025)

**Prepared By**

Sasha Garcia, City Attorney

**Reviewed By**

Mike Lane, Development Services Director  
Miranda Burrowes, Deputy City Manager

**ORDINANCE NUMBER 2026-20**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY PURSUANT TO SECTION 381.986(11)(b), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR DEFINITIONS, NONCONFORMING USES, AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Eustis, Florida (the “City”), is a municipal corporation organized and existing under the laws of the State of Florida and possesses home rule authority pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact regulations for the protection of the public health, safety, and welfare; and

**WHEREAS**, Section 381.986(11)(b), Florida Statutes, expressly authorizes municipalities to adopt ordinances determining whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries; and

**WHEREAS**, the City has adopted Land Development Regulations (“LDRs”) pursuant to Chapter 163, Florida Statutes, for the purpose of implementing the City’s Comprehensive Plan and regulating land use in a manner that promotes compatibility, orderly development, and the preservation of community character; and

**WHEREAS**, in 2014, the City Commission adopted Ordinance Number 14-34 establishing a temporary moratorium on the acceptance and processing of applications related to marijuana dispensing organizations in order to evaluate appropriate regulatory responses; and

**WHEREAS**, in 2017, the City Commission adopted Ordinance Number 17-11 determining that medical marijuana dispensing facilities were not equivalent to pharmacies and prohibiting such uses within the City; and

**WHEREAS**, in 2020, the City Commission adopted Ordinance Number 20-46 revising its regulatory approach to permit medical marijuana treatment center dispensing facilities by classifying such uses as pharmacies within the Land Development Regulations; and

**WHEREAS**, the City Commission finds that its prior regulatory actions reflect an evolving policy approach in response to changes in state law, community considerations, and local land use planning objectives; and

**WHEREAS**, the City’s LDRs currently define “pharmacy” in a manner that has included medical marijuana treatment center dispensing facilities, thereby requiring such facilities to be treated as permitted uses in land use districts where pharmacies are allowed; and

**WHEREAS**, the City Commission has reviewed the statutory and regulatory framework governing medical marijuana treatment center dispensing facilities, including security requirements, controlled access protocols, patient verification procedures, product handling restrictions, and operational limitations, and finds that such facilities exhibit material and observable differences from traditional pharmacies regulated under Chapter 465, Florida Statutes; and

**WHEREAS**, the City Commission further finds that such facilities are not open to the general public in the same manner as traditional pharmacies, but instead operate as controlled-access facilities serving a limited class of authorized patients and caregivers; and

**WHEREAS**, the City Commission finds that the operational characteristics of such facilities, including but not limited to controlled access entry, security-driven site design, restricted interior access, patient verification procedures, on-site security measures, and episodic traffic and parking demand patterns associated with dispensing operations, create land use impacts and compatibility considerations distinct from those associated with traditional pharmacies and general retail uses; and

**WHEREAS**, the City Commission finds that the classification of medical marijuana treatment center dispensing facilities as “pharmacies” does not accurately reflect their operational characteristics and has limited the City’s ability to evaluate such uses independently within its land use framework; and

**WHEREAS**, the City Commission finds that multiple legally established Medical Marijuana Treatment Center dispensing facilities are currently operating within the City and that the City has had the opportunity to observe the operational characteristics, site design, and land use impacts associated with such facilities under existing regulations; and

**WHEREAS**, based upon such observations and experience, the City Commission finds that the operational characteristics of such facilities are materially distinct from traditional pharmacies and warrant independent land use classification and regulation; and

**WHEREAS**, the City Commission finds that such observations are based upon actual operating conditions within the City and constitute competent substantial evidence supporting the legislative determinations set forth herein; and

**WHEREAS**, the City Commission has considered staff reports, planning analysis, and regulatory approaches utilized by other Florida municipalities, and has evaluated less restrictive alternatives, including land use limitations, buffering requirements, and dispersion requirements, and finds that such alternatives would not adequately address the identified compatibility and land use concerns in a predictable, uniform, and administratively efficient manner; and

**WHEREAS**, the City Commission finds that a uniform, citywide prohibition constitutes the most effective and legally consistent method of implementing the City’s land use objectives while avoiding arbitrary, inconsistent, or parcel-specific determinations; and

**WHEREAS**, on April 3, 2025, the City's Local Planning Agency conducted a duly noticed public meeting at which City staff presented the statutory regulatory options available under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards; and

**WHEREAS**, during such meeting, the Local Planning Agency engaged in public discussion regarding the operational characteristics, land use implications, and regulatory limitations associated with medical marijuana treatment center dispensing facilities, including the requirement that such facilities be treated as pharmacies if not prohibited; and

**WHEREAS**, following such discussion, the Local Planning Agency reached consensus recommending that the City Commission direct staff to prepare an ordinance prohibiting future medical marijuana treatment center dispensing facilities while allowing existing facilities to continue as lawful nonconforming uses; and

**WHEREAS**, the City Commission has reviewed the agenda materials, staff presentations, and approved minutes of the April 3, 2025 Local Planning Agency meeting, which are incorporated herein by reference as part of the legislative record supporting this Ordinance; and

**WHEREAS**, on April 2, 2026, the Local Planning Agency conducted a duly noticed public hearing and recommended approval of this Ordinance to the City Commission as consistent with the Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, the City Commission finds that this Ordinance is adopted pursuant to prior policy direction and constitutes the continuation of a legislative policy evaluation process; and

**WHEREAS**, the City Commission has considered the availability of medical marijuana treatment center dispensing facilities both within the City and in surrounding jurisdictions and finds that reasonable access to such facilities exists notwithstanding the prohibition established herein; and

**WHEREAS**, the City Commission further finds that, while prior policy considerations included facilitating local access, such considerations must be balanced against the City's land use planning objectives, compatibility standards, and long-term development patterns; and

**WHEREAS**, the City Commission finds that the continued operation of existing legally established medical marijuana treatment center dispensing facilities as lawful nonconforming uses, together with the availability of such facilities in surrounding jurisdictions, provides reasonable access for qualified patients; and

**WHEREAS**, the City Commission has reviewed the City of Eustis Comprehensive Plan and finds that this Ordinance is consistent with policies requiring compatible land use patterns, protection of neighborhood character, predictable and orderly development, and implementation of land development regulations that promote the public health, safety, and welfare; and

**WHEREAS**, the City Commission finds that the regulation of such uses is grounded in land use compatibility, intensity of use, and operational characteristics, and does not regulate

medical treatment, patient eligibility, physician conduct, or access to medical marijuana, which remain matters of statewide concern; and

**WHEREAS**, the City Commission finds that this Ordinance applies uniformly throughout the City, constitutes a legislative determination of general applicability, and is supported by a rational basis grounded in land use planning principles and statutory authority; and

**WHEREAS**, the City Commission recognizes that claims of vested rights or inordinate burden, if any, must be evaluated on a case-by-case basis under applicable Florida law, and finds that this Ordinance constitutes a generally applicable land use regulation governing a use classification; and

**WHEREAS**, the City Commission finds that this Ordinance is prospective in application and is not intended to impair any legally established vested rights, if any, determined in accordance with applicable Florida law; and

**WHEREAS**, the City Commission finds that this Ordinance is a valid exercise of the City's police powers and is not intended to, nor does it, result in a taking or an inordinate burden within the meaning of the Bert J. Harris, Jr., Private Property Rights Protection Act; and

**WHEREAS**, based upon the foregoing, the City Commission determines that adoption of this Ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Eustis, Florida:

**SECTION 1. Authority.**

This Ordinance is adopted pursuant to Article VIII, Section 2 of the Florida Constitution, Chapters 163 and 166, Florida Statutes, and Section 381.986(11)(b), Florida Statutes, which expressly authorizes municipalities to determine by ordinance whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries.

**SECTION 2. Creation of Defined Use.**

Chapter 100, "Definitions," of the Land Development Regulations is hereby amended to add the following definition:

"Medical Marijuana Treatment Center Dispensing Facility" shall mean a dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time. Such use is hereby designated as a distinct and independent land use classification and shall not be classified, interpreted, or regulated as a pharmacy, drug store, medical office, or general retail use.

**SECTION 3. Amendments to Land Development Regulations.**

The amendments set forth in this Section are further described in Exhibit "A," attached hereto and incorporated herein by reference.

(A) Amendment to Chapter 100 – Definition of Pharmacy.

Chapter 100 of the Land Development Regulations is hereby amended such that the definition of “Pharmacy” shall read as follows:

“Pharmacy” shall mean a place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

(B) Amendment to Section 109-4 – Use Regulations Table.

Chapter 109, Section 109-4, “Use Regulations Table,” is hereby amended to include “Medical Marijuana Treatment Center Dispensing Facility” as a listed use and to designate such use as not permitted within any land use district established under Chapter 109 of the Land Development Regulations.

All references to “pharmacy” or similar uses shall not be interpreted to include Medical Marijuana Treatment Center Dispensing Facilities.

(C) Creation of Prohibited Use.

A new provision is hereby established within Chapter 109 of the Land Development Regulations to provide that:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis, as defined and applied within Chapter 109 of the Land Development Regulations, and shall not be approved as a permitted use, conditional use, special exception, variance, or by any other discretionary or administrative approval.

**SECTION 4. Legislative Intent.**

It is the express intent of the City Commission to exercise the authority granted under Section 381.986(11)(b), Florida Statutes, to prohibit Medical Marijuana Treatment Center Dispensing Facilities within the City.

This Ordinance constitutes a generally applicable land use regulation adopted based upon compatibility, intensity of use, operational characteristics, and long-term planning objectives.

This Ordinance is not intended to regulate, and shall not be construed as regulating, the practice of medicine, physician certification, patient eligibility, or the availability of medical marijuana under state law, all of which remain matters of statewide concern and are preempted to the State of Florida.

**SECTION 5. Prohibition.**

Pursuant to Section 381.986(11)(b), Florida Statutes, the City hereby expressly exercises its statutory authority to prohibit Medical Marijuana Treatment Center Dispensing Facilities. This prohibition shall apply regardless of whether such use is proposed as a principal use, accessory use, or component of a mixed-use development.

Such facilities are hereby prohibited in all land use districts, land use categories, and development designations within the municipal boundaries of the City.

No development order, permit, approval, or land use authorization shall be issued for any use, structure, or activity that constitutes or includes a Medical Marijuana Treatment Center Dispensing Facility after the effective date of this Ordinance, except as otherwise provided herein.

**SECTION 6. Applicability; Vested Rights; Pending Applications.**

This Ordinance shall apply prospectively to all applications for development orders, permits, licenses, or approvals submitted or deemed complete after the effective date of this Ordinance.

For purposes of this Section, an application shall be deemed complete only upon submission of all required materials and payment of all applicable fees in accordance with the Land Development Regulations.

No application shall be deemed vested unless it has received final development order approval or has otherwise obtained vested rights under applicable Florida law.

Requests for land use verification letters, zoning verification letters, preliminary inquiries, or incomplete applications shall not be considered vested.

Nothing herein shall impair legally established vested rights, if any, as determined under applicable Florida law. No person or entity shall be deemed to have acquired any right to develop or operate a Medical Marijuana Treatment Center Dispensing Facility by virtue of reliance upon prior provisions of the Land Development Regulations unless such reliance has resulted in the establishment of vested rights under applicable Florida law.

**SECTION 7. Nonconforming Uses.**

Any Medical Marijuana Treatment Center Dispensing Facility lawfully established and operating within the City prior to the effective date of this Ordinance shall be deemed a legal nonconforming use.

No expansion, intensification, or increase in operational capacity shall be permitted.

Such nonconforming uses shall be subject to the following limitations:

- (1) Such use shall not be expanded, enlarged, intensified, or increased in scope or operation;
- (2) Such use shall not be relocated to another site or parcel;
- (3) Such use shall not be changed to another Medical Marijuana Treatment Center use or any substantially similar use;
- (4) If such use is discontinued for a period exceeding one hundred eighty (180) consecutive days, such use shall not be reestablished;
- (5) If such use is destroyed or damaged to an extent exceeding fifty percent (50%) of its replacement value, such use shall not be reconstructed or resumed.

All such uses shall otherwise comply with the City's nonconformity provisions contained within the Land Development Regulations.

Nothing herein shall be construed to authorize the continuation of any use that was not lawfully established prior to the effective date of this Ordinance.

Any change in ownership, tenancy, or operator of a nonconforming use shall not be construed as authorization to expand, intensify, or alter such use beyond its lawful status as of the effective date of this Ordinance.

### **SECTION 8. Enforcement.**

The provisions of this Ordinance shall be enforced in accordance with the City's code enforcement procedures, Land Development Regulations, and all applicable provisions of Florida law.

Any violation of this Ordinance shall constitute a violation of the Land Development Regulations and shall be subject to all remedies available at law or in equity, including but not limited to:

- (1) Code enforcement proceedings;
- (2) Administrative fines;
- (3) Liens;
- (4) Injunctive relief.

Each day that a violation continues shall constitute a separate and distinct violation.

### **SECTION 9. Interpretation.**

This Ordinance shall be construed in *pari materia* with the City's Land Development Regulations and Comprehensive Plan and shall be liberally construed to effectuate its legislative purpose.

In the event of a conflict between this Ordinance and any other provision of the City Code or Land Development Regulations, the more restrictive provision shall control, to the extent permitted by law.

The provisions of this Ordinance shall be interpreted in a manner consistent with Section 381.986, Florida Statutes, and other applicable state law.

### **SECTION 10. Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

### **SECTION 11. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

### **SECTION 12. Codification.**

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Eustis Land Development Regulations, and that sections of this Ordinance may be renumbered, relettered, or reorganized to accomplish such intent.

**SECTION 13. Effective Date.**

This Ordinance shall become effective immediately upon adoption on second reading. Following the adoption of this Ordinance, the City may take all steps necessary to carry out the implementation of this Ordinance as provided herein.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 16<sup>th</sup> day of April 2026.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
EMILY A. LEE  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16 \_\_\_\_ day of \_\_\_\_, 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida  
My Commission Expires: \_\_\_\_\_  
Notary Serial No. \_\_\_\_\_

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

## CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-20 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

### EXHIBIT "A" to Ordinance Number 2026-20 LAND DEVELOPMENT REGULATION AMENDMENTS City of Eustis, Florida

#### SECTION 1. AMENDMENT TO CHAPTER 100 – DEFINITIONS

Chapter 100, "Definitions," of the City of Eustis Land Development Regulations is hereby amended as follows:

#### **(A) Creation of Definition**

The following definition is hereby created:

**Medical Marijuana Treatment Center Dispensing Facility:** A dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time.

#### **(B) Amendment to Definition of "Pharmacy"**

The definition of "Pharmacy" is hereby amended to read as follows:

**Pharmacy:** A place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

## **SECTION 2. AMENDMENT TO CHAPTER 109 – USE REGULATIONS TABLE**

Chapter 109, Section 109-4, “Use Regulations Table,” of the Land Development Regulations is hereby amended as follows:

### **(A) Addition of Use Classification**

The following use is hereby added as a specific use: **Medical Marijuana Treatment Center Dispensing Facility (“MMTC”)**

### **(B) Permitted Use Status**

Medical Marijuana Treatment Center Dispensing Facilities are **not** permitted in any land use district within the municipal boundaries of the City of Eustis.

For clarity, this use is prohibited in all land use districts, including but not limited to:

- Rural Residential (RR)
- Suburban Residential (SR)
- Urban Residential (UR)
- Manufactured Home Community (MH)
- General Commercial (GC)
- General Industrial (GI)
- Central Business District (CBD)
- Residential/Office Transitional (RT)
- Mixed Commercial Residential (MCR)
- Mixed Commercial Industrial (MCI)
- Public/Institutional (PI)
- Agricultural (AG)
- Conservation (CON)

### **(C) Interpretation**

Medical Marijuana Treatment Center Dispensing Facilities shall not be classified, interpreted, or regulated as a pharmacy or any other permitted, limited, or conditional use within the Use Regulations Table.

**SECTION 3. CREATION OF PROHIBITED USE PROVISION**

Chapter 109 of the Land Development Regulations is hereby amended to include the following provision:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis. Such use shall not be approved as a permitted use, conditional use, special exception, variance, or by any other administrative or discretionary approval.

**SECTION 4. CODIFICATION INSTRUCTIONS**

The provisions of this Exhibit shall be codified within Chapter 100 and Chapter 109 of the City of Eustis Land Development Regulations. The City's codifier is authorized to reorganize, renumber, and format these provisions as necessary to integrate them into the Code in a manner consistent with the intent of Ordinance Number 2026-20.

## Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.*

*This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.*

Ordinance Number	2026-20
Ordinance Subject	Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities
Legal Advertising Dates	3/30/2026 and 4/6/2026
First Reading On	4/2/2026
Second Reading On	4/16/2026

### Ordinance Title

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY PURSUANT TO SECTION 381.986(11)(b), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR DEFINITIONS, NONCONFORMING USES, AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Based on the City's review of the proposed ordinance (*must select one of the following*):**

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

### Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

**Section 166.041 (4)(c) exemption:** It is required for compliance with federal or state law or regulation.

## BUSINESS IMPACT ESTIMATE

The City provides the following Business Impact Estimate, which may be revised following its initial posting.

1. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality):

The proposed ordinance amends the City of Eustis Land Development Regulations to prohibit Medical Marijuana Treatment Center dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes. The ordinance establishes a separate land use classification for such facilities, removes such uses from the definition of “pharmacy,” and prohibits such uses in all land use districts while allowing existing legally established facilities to continue as lawful nonconforming uses. The public purpose served by the proposed ordinance is to promote the public health, safety, and welfare through the implementation of consistent land use regulations, preservation of community character, and avoidance of incompatible land use patterns.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
  - (a) An estimate of direct compliance costs that businesses may reasonably incur.

The ordinance does not impose additional compliance requirements on existing businesses. No new reporting, operational, or permitting costs are created. Estimated compliance costs: None.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible.

The ordinance does not impose any new charges or fees on businesses.

- (c) An estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The ordinance does not create new regulatory programs or require additional staffing. Enforcement will be conducted through existing code enforcement processes. Estimated regulatory cost: Minimal and absorbed within existing operations. No new revenue sources are created.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance.

The ordinance impacts a limited number of existing facilities currently operating within the City, all of which are permitted to continue as lawful nonconforming uses. The ordinance may impact an indeterminate number of future businesses seeking to locate within the City.

4. Additional information the City deems useful (if any).

The City considered regulatory alternatives, including continued classification as pharmacies and the use of location-based restrictions. The City determined that a uniform prohibition is the most predictable, consistent, and administratively efficient approach authorized under state law.



Select Year:

## The 2025 Florida Statutes

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[Title XXIX](#)

[Chapter 381](#)

[View Entire Chapter](#)

PUBLIC HEALTH

PUBLIC HEALTH: GENERAL PROVISIONS

### 1**381.986** Medical use of marijuana.—

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

- (a) “Attractive to children” means the use of any image or words designed or likely to appeal to persons younger than 18 years of age, including, but not limited to, cartoons, toys, animals, food, or depictions of persons younger than 18 years of age; any other likeness to images, characters, or phrases that are popularly used to advertise to persons younger than 18 years of age; or any reasonable likeness to commercially available candy.
- (b) “Caregiver” means a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).
- (c) “Chronic nonmalignant pain” means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.
- (d) “Close relative” means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.
- (e) “Edibles” means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center.
- (f) “Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
- (g) “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.
- (h) “Marijuana delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.
- (i) “Marijuana testing laboratory” means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. [381.988](#).
- (j) “Medical director” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).
- (k) “Medical use” means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:
1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.
  2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds.

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

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

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

a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.

b. In any public place, except for low-THC cannabis not in a form for smoking.

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

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

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

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.

6. The smoking of marijuana in an enclosed indoor workplace as defined in s. 386.203(5).

(l) “Physician certification” means a qualified physician’s authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.

(m) “Qualified patient” means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.

(n) “Qualified physician” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).

(o) “Smoking” means burning or igniting a substance and inhaling the smoke.

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

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

(a) Cancer.

(b) Epilepsy.

(c) Glaucoma.

(d) Positive status for human immunodeficiency virus.

(e) Acquired immune deficiency syndrome.

(f) Posttraumatic stress disorder.

(g) Amyotrophic lateral sclerosis.

(h) Crohn’s disease.

(i) Parkinson’s disease.

(j) Multiple sclerosis.

(k) Medical conditions of the same kind or class as or comparable to those enumerated in paragraphs (a)-(j).

(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.

(m) Chronic nonmalignant pain.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

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

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

(4) PHYSICIAN CERTIFICATION.—

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

1. Conducted an examination of the patient and a full assessment of the medical history of the patient. Before issuing an initial certification to a patient, the qualified physician must conduct an in-person physical examination of the patient. For certification renewals, a qualified physician who has issued a certification to a patient after conducting an in-person physical examination may conduct subsequent examinations of that patient through telehealth as defined in s. 456.47. For the purposes of this subparagraph, the term “in-person physical examination” means an examination conducted by a qualified physician while the physician is physically present in the same room as the patient.
2. Diagnosed the patient with at least one qualifying medical condition.
3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient’s medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient’s medical record.
4. Determined whether the patient is pregnant and documented such determination in the patient’s medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.
5. Reviewed the patient’s controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.
6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.
7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:
  - a. Enters into the registry the contents of the physician certification, including the patient’s qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.
  - b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.
  - c. Deactivates the registration of the qualified patient and the patient’s caregiver when the physician no longer recommends the medical use of marijuana for the patient.
8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient’s medical record. The patient, or the patient’s parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:
  - a. The Federal Government’s classification of marijuana as a Schedule I controlled substance.
  - b. The approval and oversight status of marijuana by the Food and Drug Administration.
  - c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

- d. The potential for addiction.
  - e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.
  - f. The potential side effects of marijuana use, including the negative health risks associated with smoking marijuana.
    - g. The risks, benefits, and drug interactions of marijuana.
    - h. That the patient's deidentified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.
- (b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition pursuant to paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:
1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).
  2. Documentation that establishes the efficacy of marijuana as treatment for the condition.
  3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.
  4. Any other documentation as required by board rule.

The department must submit such documentation to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

- (c) If a qualified physician determines that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, the qualified physician must submit the following documentation to the applicable board:
1. A list of other routes of administration, if any, certified by a qualified physician that the patient has tried, the length of time the patient used such routes of administration, and an assessment of the effectiveness of those routes of administration in treating the qualified patient's qualifying condition.
  2. Research documenting the effectiveness of smoking as a route of administration to treat similarly situated patients with the same qualifying condition as the qualified patient.
  3. A statement signed by the qualified physician documenting the qualified physician's opinion that the benefits of smoking marijuana for medical use outweigh the risks for the qualified patient.
- (d) A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient under 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which must include information concerning the negative health effects of smoking marijuana on persons under 18 years of age and an acknowledgment that the qualified physician has sufficiently explained the contents of the form.
- (e) The Board of Medicine and the Board of Osteopathic Medicine shall review the documentation submitted pursuant to paragraph (c) and shall each, by July 1, 2021, adopt by rule practice standards for the certification of smoking as a route of administration.
- (f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

- a. The qualified patient’s qualifying medical condition.
- b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.
- c. A description of how the patient will benefit from an increased amount.
- d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient’s qualifying medical condition.

2. A qualified physician must provide the qualified patient’s records upon the request of the department.

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

(g) A qualified physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification. A qualified physician who has issued a certification to the patient after conducting an in-person physical examination as defined in subparagraph (a)1. may conduct the evaluation through telehealth as defined in s. 456.47. A physician must:

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

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

- a. An adverse drug interaction with any prescription or nonprescription medication; or
- b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. 893.02.

3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.

(i) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate. The department may suspend the registration of a qualified physician in the medical marijuana use registry for a period of up to 2 years if the qualified physician:

- 1. Fails to comply with this section; or
- 2. Provides, advertises, or markets telehealth services before July 1, 2023.

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

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

(5) MEDICAL MARIJUANA USE REGISTRY.—

(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be

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

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

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

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

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

b. One proof of residential address from the seasonal resident's parent, step-parent, legal guardian or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of the alleged offense. Based upon such final disposition, the department may extend the suspension, revoke the registration, or reinstate the registration. However, the department must revoke the registration of the qualified patient upon such final disposition if the qualified patient was convicted of, or pled guilty or nolo contendere to, regardless of adjudication, a violation of chapter 893 if such violation was for trafficking in; the sale, manufacture, or delivery of; or possession with intent to sell, manufacture, or deliver a controlled substance. If such person wishes to seek reinstatement of his or her registration as a qualified patient, the person may submit a new application accompanied by a notarized attestation by the applicant that he or she has completed all terms of incarceration, probation, community control, or supervision related to the offense. A

person who knowingly makes a false attestation under this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The department shall immediately suspend the registration of a caregiver charged with a violation of chapter 893 until final disposition of the alleged offense. The department must revoke the registration of the caregiver upon such final disposition if the caregiver was convicted of, or pled guilty or nolo contendere to, regardless of adjudication, a violation of chapter 893 if such violation was for trafficking in; the sale, manufacture, or delivery of; or possession with intent to sell, manufacture, or deliver a controlled substance. If such person wishes to seek reinstatement of his or her registration as a caregiver, the person may submit a new application accompanied by a notarized attestation by the applicant that he or she has completed all terms of incarceration, probation, community control, or supervision related to the offense. A person who knowingly makes a false attestation under this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Additionally, the department must revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.

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

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

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

(6) CAREGIVERS.—

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

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.
2. Be 21 years of age or older and a resident of this state.
3. Agree in writing to assist with the qualified patient's medical use of marijuana.
4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.
5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed \$100.
6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.

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

1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;
2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient;
3. The qualified patient is admitted to a hospice program; or
4. The qualified patient is participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

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

1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;
2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or

herself without assistance or supervision;

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

4. All qualified patients the caregiver has agreed to assist are participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

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

(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.

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

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

(7) IDENTIFICATION CARDS.—

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

1. The name, address, and date of birth of the qualified patient or caregiver.
2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.
3. Identification as a qualified patient or a caregiver.
4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.
5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.
6. The expiration date of the identification card.

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

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

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

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

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense

low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

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

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2. An applicant that applies for licensure under this sub-subparagraph, pays its initial application fee, is determined by the department through the application process to qualify as a recognized class member, and is not awarded a license under this sub-subparagraph may transfer its initial application fee to one subsequent opportunity to apply for licensure under subparagraph 4.

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

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

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

<sup>2</sup>(b) An applicant for licensure as a medical marijuana treatment center must apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical

marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that a medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in this state.
2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.
3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.
4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.
5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.
7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.
  - a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.
  - b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department must deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest must be used by the department for the administration of this section.
8. That all owners and managers have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term:
  - a. “Manager” means any person with the authority to exercise or contribute to the operational control, direction, or management of an applicant or a medical marijuana treatment center or who has authority to supervise any employee of an applicant or a medical marijuana treatment center. The term includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a medical marijuana treatment center through board membership, an agreement, or a contract.
  - b. “Owner” means any person who owns or controls a 5 percent or greater share of interests of the applicant or a medical marijuana treatment center which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.
9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.
10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:
  - a. Representation of minority persons and veterans in the medical marijuana treatment center’s workforce;
  - b. Efforts to recruit minority persons and veterans for employment; and
  - c. A record of contracts for services with minority business enterprises and veteran business enterprises.

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

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

<sup>2</sup>(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center shall, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request must be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

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

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

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

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

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

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

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may

not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

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

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term “employee” means any person employed by a medical marijuana treatment center licensee in any capacity, including those whose duties involve any aspect of the cultivation, processing, transportation, or dispensing of marijuana. This requirement applies to all employees, regardless of the compensation received.

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

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

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

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

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

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

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

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may not have a potency variance greater than 15 percent. Marijuana products, including edibles, may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

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

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

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

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

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and

disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select samples of marijuana from a medical marijuana treatment center facility which shall be tested by the department to determine whether the marijuana meets the potency requirements of this section, is safe for human consumption, and is accurately labeled with the tetrahydrocannabinol and cannabidiol concentration or to verify the result of marijuana testing conducted by a marijuana testing laboratory. The department may also select samples of marijuana delivery devices from a medical marijuana treatment center to determine whether the marijuana delivery device is safe for use by qualified patients. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall marijuana, including all marijuana and marijuana products made from the same batch of marijuana, that fails to meet the potency requirements of this section, that is unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts for, but is not limited to, time lapses between testing, testing methods, testing instruments, and types of marijuana sampled for testing. The department may not issue any recalls for product potency as it relates to product labeling before issuing a rule relating to potency variation standards. A medical marijuana treatment center must also recall all marijuana delivery devices determined to be unsafe for use by qualified patients. The medical marijuana treatment center must retain records of all testing and samples of each homogeneous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

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

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

- (I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.
- (II) The name of the medical marijuana treatment center from which the marijuana originates.
- (III) The batch number and harvest number from which the marijuana originates and the date dispensed.
- (IV) The name of the physician who issued the physician certification.
- (V) The name of the patient.
- (VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products that are attractive to children or which promote the recreational use of marijuana.

- (VII) The recommended dose.
- (VIII) A warning that it is illegal to transfer medical marijuana to another person.
- (IX) A marijuana universal symbol developed by the department.

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

- a. Clinical pharmacology.
- b. Indications and use.
- c. Dosage and administration.
- d. Dosage forms and strengths.
- e. Contraindications.
- f. Warnings and precautions.
- g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

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

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

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

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

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

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

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

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

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

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

<sup>2</sup>(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Report to local law enforcement and notify the department through e-mail within 24 hours after the medical marijuana treatment center is notified or becomes aware of any actual or attempted theft, diversion, or loss of marijuana.

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

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

a. Departure date and approximate time of departure.

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

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

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

e. Arrival date and estimated time of arrival.

- f. Delivery vehicle make and model and license plate number.
- g. Name and signature of the medical marijuana treatment center employees delivering the product.
- (I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.
- (II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.
- (III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.
2. Ensure only vehicles in good working order are used to transport marijuana.
  3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.
  4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.
  5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.
  6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.
- (h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:
1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images that are attractive to children or which promote recreational use of marijuana.
  2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:
    - a. All advertisements must be approved by the department.
    - b. An advertisement may not have any content that is attractive to children or which promotes the recreational use of marijuana.
    - c. An advertisement may not be an unsolicited pop-up advertisement.
    - d. Opt-in marketing must include an easy and permanent opt-out feature.
  - (i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:
    1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.
    2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.
    3. The price for each marijuana delivery device available for purchase.
    4. If applicable, any discount policies and eligibility criteria for such discounts.
  - (j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.
  - (k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.
  - (9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an

offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction. Exemptions from disqualification as provided under s. 435.07 do not apply to this subsection.

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

(b) Fees for state and federal fingerprint processing and retention shall be borne by the medical marijuana treatment center or caregiver, as applicable. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) PENALTIES.—

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

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

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

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

provided therein.

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

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

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

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

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

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

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

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

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

(13) UNLICENSED ACTIVITY.—

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

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

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

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

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

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

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

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

(e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices as provided in this section, in s. 381.988, and by department rule.

(f) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering,

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

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

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.062(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

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

(15) **APPLICABILITY.—**

(a) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

(b) This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

(c) This section does not create a cause of action against an employer for wrongful discharge or discrimination.

(d) This section does not impair the ability of any party to restrict or limit smoking or vaping marijuana on his or her private property.

(e) This section does not prohibit the medical use of marijuana or a caregiver assisting with the medical use of marijuana in a nursing home facility licensed under part II of chapter 400, a hospice facility licensed under part IV of chapter 400, or an assisted living facility licensed under part I of chapter 429, if the medical use of marijuana is not prohibited in the facility's policies.

(f) Marijuana, as defined in this section, is not reimbursable under chapter 440.

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

<sup>3</sup>(17) Rules adopted pursuant to this section before July 1, 2026, are not subject to ss. 120.54(3)(b) and 120.541. This subsection expires July 1, 2026.

**History.—**s. 2, ch. 2014-157; s. 1, ch. 2016-123; s. 24, ch. 2016-145; ss. 1, 3, 18, ch. 2017-232; s. 29, ch. 2018-10; s. 43, ch. 2018-110; s. 1, ch. 2018-142; s. 1, ch. 2019-1; s. 39, ch. 2019-116; s. 85, ch. 2020-2; s. 31, ch. 2020-114; s. 13, ch. 2021-37; s. 7, ch. 2021-52; ss. 3, 4, ch. 2022-71; s. 17, ch. 2022-157; s. 2, ch. 2023-71; s. 10, ch. 2023-240; s. 1, ch. 2023-292; s. 32, ch. 2024-2; s. 9, ch. 2024-228; s. 4, ch. 2025-114; s. 14, ch. 2025-199; s. 4, ch. 2025-204.

<sup>1</sup>**Note.—**

A. Section 1, ch. 2017-232, provides that “[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.” If such amendment or adoption takes place, s. 381.986, as amended by s. 1, ch. 2017-232, will read:

**381.986 Compassionate use of low-THC and medical cannabis.—**

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

(a) “Cannabis delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

(b) “Dispensing organization” means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

(c) “Independent testing laboratory” means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

(d) “Legal representative” means the qualified patient’s parent, legal guardian acting pursuant to a court’s authorization as required under s. 744.3215(4), health care surrogate acting pursuant to the qualified patient’s written consent or a court’s authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

(e) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(f) "Medical cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

(g) "Medical use" means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.
2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
3. Use or administration of low-THC cannabis or medical cannabis:
  - a. On any form of public transportation.
  - b. In any public place.
  - c. In a qualified patient's place of employment, if restricted by his or her employer.
  - d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.
  - e. On the grounds of a preschool, primary school, or secondary school.
  - f. On a school bus or in a vehicle, aircraft, or motorboat.

(h) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.

(i) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—A physician is authorized to order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms; order low-THC cannabis to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; order medical cannabis to treat an eligible patient as defined in s. 499.0295; or order a cannabis delivery device for the medical use of low-THC cannabis or medical cannabis, only if the physician:

- (a) Holds an active, unrestricted license as a physician under chapter 458 or an osteopathic physician under chapter 459;
- (b) Has treated the patient for at least 3 months immediately preceding the patient's registration in the compassionate use registry;
- (c) Has successfully completed the course and examination required under paragraph (4)(a);
- (d) Has determined that the risks of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record;

(e) Registers as the orderer of low-THC cannabis or medical cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order, including the amount of low-THC cannabis or medical cannabis that will provide the patient with not more than a 45-day supply and a cannabis delivery device needed by the patient for the medical use of low-THC cannabis or medical cannabis. The physician must also update the registry within 7 days after any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient's legal representative when treatment is discontinued;

(f) Maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis or medical cannabis;

(g) Submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis and medical cannabis on patients;

(h) Obtains the voluntary written informed consent of the patient or the patient's legal representative to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects;

(i) Obtains written informed consent as defined in and required under s. 499.0295, if the physician is ordering medical cannabis for an eligible patient pursuant to that section; and

(j) Is not a medical director employed by a dispensing organization.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or
2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in s. 499.0295.

(c) A person who fraudulently represents that he or she has cancer, a physical medical condition that chronically produces symptoms, seizures or severe and persistent muscle spasms, or a terminal condition to a physician for the purpose of being ordered low-THC cannabis, medical cannabis, or a cannabis delivery device by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) An eligible patient as defined in s. 499.0295 who uses medical cannabis, and such patient’s legal representative who administers medical cannabis, in plain view of or in a place open to the general public, on the grounds of a school, or in a school bus, vehicle, aircraft, or motorboat, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization related to the ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a patient in this state, the appropriate board shall require the ordering physician to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. The course and examination shall be administered at least annually. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization to hold an active, unrestricted license as a physician under chapter 458 or as an osteopathic physician under chapter 459 and successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis, medical cannabis, and cannabis delivery devices.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis, medical cannabis, or a cannabis delivery device may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and the legal representatives of patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization to verify the authorization of a patient or a patient’s legal representative to possess low-THC cannabis, medical cannabis, or a cannabis delivery device and record the low-THC cannabis, medical cannabis, or cannabis delivery device dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

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

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond. However, upon a dispensing organization’s serving at least 1,000 qualified patients, the dispensing organization is only required to maintain a \$2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director to supervise the activities of the dispensing organization.

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three dispensing organizations, including, but not limited to, an applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re*

*Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association, which must meet the requirements of subparagraphs (b)2.-7. and demonstrate the technical and technological ability to cultivate and produce low-THC cannabis.

(d) Allow a dispensing organization to make a wholesale purchase of low-THC cannabis or medical cannabis from, or a distribution of low-THC cannabis or medical cannabis to, another dispensing organization.

(e) Monitor physician registration and ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis, medical cannabis, or a cannabis delivery device and take disciplinary action as indicated.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) and the criteria required in this subsection.

(a) When growing low-THC cannabis or medical cannabis, a dispensing organization:

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

2. Must grow low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.

4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing low-THC cannabis or medical cannabis, a dispensing organization must:

1. Process the low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.

2. Test the processed low-THC cannabis and medical cannabis before they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis and, for medical cannabis and low-THC cannabis, that all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The dispensing organization must retain records of all testing and samples of each homogenous batch of cannabis and low-THC cannabis for at least 9 months. The dispensing organization must contract with an independent testing laboratory to perform audits on the dispensing organization's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the low-THC cannabis or medical cannabis meets the requirements of this section and that the medical cannabis and low-THC cannabis is safe for human consumption.

3. Package the low-THC cannabis or medical cannabis in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

4. Package the low-THC cannabis or medical cannabis in a receptacle that has a firmly affixed and legible label stating the following information:

a. A statement that the low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;

b. The name of the dispensing organization from which the medical cannabis or low-THC cannabis originates; and

c. The batch number and harvest number from which the medical cannabis or low-THC cannabis originates.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing low-THC cannabis, medical cannabis, or a cannabis delivery device, a dispensing organization:

1. May not dispense more than a 45-day supply of low-THC cannabis or medical cannabis to a patient or the patient's legal representative.

2. Must have the dispensing organization's employee who dispenses the low-THC cannabis, medical cannabis, or a cannabis delivery device enter into the compassionate use registry his or her name or unique employee identifier.

3. Must verify in the compassionate use registry that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.

4. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis.

5. Must verify that the patient has an active registration in the compassionate use registry, the patient or patient's legal representative holds a valid and active registration card, the order presented matches the order contents as recorded in the registry, and the order has not already been filled.

6. Must, upon dispensing the low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of low-THC cannabis or medical cannabis dispensed and the type of cannabis delivery device dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:

- 1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or
- b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:
  - (I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;
  - (II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;
  - (III) Recorded images must clearly and accurately display the time and date; or
  - (IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.
2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.
3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.
4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.
5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.
6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.
7. Require each employee to wear a photo identification badge at all times while on the premises.
8. Require each visitor to wear a visitor's pass at all times while on the premises.
9. Implement an alcohol and drug-free workplace policy.
10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.
  - (e) To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:
    1. Maintain a transportation manifest, which must be retained for at least 1 year.
    2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.
    3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.
    4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.
    5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.
- (7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—
  - (a) The department may conduct announced or unannounced inspections of dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.
  - (b) The department shall inspect a dispensing organization upon complaint or notice provided to the department that the dispensing organization has dispensed low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.
  - (c) The department shall conduct at least a biennial inspection of each dispensing organization to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.
  - (d) The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.
  - (e) The department must make a list of all approved dispensing organizations and qualified ordering physicians and medical directors publicly available on its website.
  - (f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must require, at a minimum, the registration cards to:
    1. Provide the name, address, and date of birth of the patient or legal representative.
    2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
    3. Identify whether the cardholder is a patient or legal representative.
    4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department's compassionate use registry.
    5. Provide the expiration date, which shall be 1 year after the date of the physician's initial order of low-THC cannabis or medical cannabis.
    6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.
    7. Be resistant to counterfeiting or tampering.

- (g) The department may impose reasonable fines not to exceed \$10,000 on a dispensing organization for any of the following violations:
1. Violating this section, s. 499.0295, or department rule.
  2. Failing to maintain qualifications for approval.
  3. Endangering the health, safety, or security of a qualified patient.
  4. Improperly disclosing personal and confidential information of the qualified patient.
  5. Attempting to procure dispensing organization approval by bribery, fraudulent misrepresentation, or extortion.
  6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.
  7. Making or filing a report or record that the dispensing organization knows to be false.
  8. Willfully failing to maintain a record required by this section or department rule.
  9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
  10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.
  11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.
  12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
  13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(h) The department may suspend, revoke, or refuse to renew a dispensing organization's approval if a dispensing organization commits any of the violations in paragraph (g).

(i) The department shall renew the approval of a dispensing organization biennially if the dispensing organization meets the requirements of this section and pays the biennial renewal fee.

(j) The department may adopt rules necessary to implement this section.

(8) PREEMPTION.—

(a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.

(9) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis or medical cannabis ordered for the patient, but not more than a 45-day supply, and a cannabis delivery device ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved independent testing laboratory may possess, test, transport, and lawfully dispose of low-THC cannabis or medical cannabis as provided by department rule.

(d) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device.

(e) An approved dispensing organization that continues to meet the requirements for approval is presumed to be registered with the department and to meet the regulations adopted by the department or its successor agency for the purpose of dispensing medical cannabis or low-THC cannabis under Florida law. Additionally, the authority provided to a dispensing organization in s. 499.0295 does not impair the approval of a dispensing organization.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

B. Section 16, ch. 2025-199, provides that "[t]he amendments to subsection (1) of section 14 of chapter 2017-232, Laws of Florida, made by this act expire January 1, 2026, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section." Effective January 1, 2026, s. 14(1), ch. 2017-232, as amended by s. 16, ch. 2025-199, will read:

"(1) EMERGENCY RULEMAKING.—

“(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, if it is determined that this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

“(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before [June 23, 2017], held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

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

<sup>2</sup>**Note.**—Section 17, ch. 2025-114, provides that “[e]xcept as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, or, if this act fails to become a law until after June 1, 2025, it shall take effect upon becoming a law and shall operate retroactively to June 1, 2025, this act shall take effect July 1, 2025.”

<sup>3</sup>**Note.**—Section 14, ch. 2025-199, amended subsection (17) “[i]n order to implement Specific Appropriations 461 through 469A of the 2025-2026 General Appropriations Act.”