



**PLANNERS ADVISORY COMMITTEE
(PAC) MEETING AGENDA**

July 5, 2017 – 1:30
310 Court Street, 1st Floor Conf. Room
Clearwater, FL 33756

THE PLANNING COUNCIL AND METROPOLITAN PLANNING ORGANIZATION FOR PINELLAS COUNTY

- 1. CALL TO ORDER AND INTRODUCTIONS**
- 2. APPROVAL OF MINUTES – June 5, 2017**
- 3. REVIEW OF FORWARD PINELLAS AGENDA FOR July 12, 2017**

PUBLIC HEARINGS

Subthreshold Countywide Plan Map Amendments

- A. CW 17-6 – City of Clearwater
- B. CW 17-7 – City of St. Petersburg

REGULAR AGENDA ITEMS

- C. Map Adjustment – City of Safety Harbor – Official Acceptance
- D. Map Adjustment – City of Safety Harbor – Official Acceptance
- E. CPA Actions and Tier I Countywide Plan Map Amendments June 2017

4. PLANNING TOPICS OF INTEREST

- A. Countywide Rules Amendments
- B. Medical Marijuana

5. OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA

- A. Pinellas SPOTlight Emphasis Areas Update (Information)
- B. Reminder: July 31, 2017 PAC Meeting is Cancelled

6. UPCOMING EVENTS

July 5 — "[2017 Planning Law Review](#)," the last event in APA's current Signature Webinar Series. **CM | 1.5 | Law**

July 12 – "[Sustaining Momentum](#)," last in the series of [Planners4Health](#) webinars (free; registration required) **CM | 1**

July 20 — "[Careers in Planning, Beyond Planning](#)," next in APA's Career Reality Webinar series (free; registration required) **CM | 1.25**

Forward Pinellas Technology Forum Coming This Fall

7. ADJOURNMENT

NEXT PAC MEETING – TUESDAY, SEPTEMBER 5, 2017

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Office of Human Rights, 400 South Fort Harrison Avenue, Suite 300, Clearwater, Florida 33756; [(727) 464-4062 (V/TDD)] at least seven days prior to the meeting.

Appeals: Certain public meetings result in actions taken by the public board, commission or agency that may be appealed; in such case persons are advised that, if they decide to appeal any decision made at a public meeting/hearing, they will need a record of the proceedings, and, for such purposes, they 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.

Planners Advisory Committee – July 5, 2017

2. Approval of Minutes – June 5, 2017



SUMMARY

The Summary Agenda Action Sheet for the June 5, 2017 PAC meeting is attached for committee review and approval.

ATTACHMENT(S): PAC Summary Agenda Action Sheet for the June 5, 2017 meeting

ACTION: PAC to approve the Summary Agenda Action Sheet from the June 5, 2017 meeting

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: JUNE 5, 2017

ITEM	ACTION TAKEN	VOTE
1. <u>CALL TO ORDER AND INTRODUCTIONS</u>	The meeting was called to order at 1:32 p.m.	
2. <u>MINUTES OF REGULAR PAC MEETING OF MAY 1, 2017</u>	Motion: Dean Neal Second: Marie Dauphinais	12-0
3. <u>REVIEW OF FORWARD PINELLAS AGENDA FOR JUNE 14, 2017 MEETING PUBLIC HEARINGS</u> <u>Subthreshold Countywide Plan Map Amendments</u> None		
<u>Regular Countywide Plan Map Amendments</u> A. CW 17-4 – Pinellas County	Motion: Dean Neal Second: Marshall Touchton	12-0
B. CW 17-5 – City of Tarpon Springs	Motion: Dean Neal Second: Lauren Matzke	12-0
<u>Regular Agenda Items</u> C. Map Adjustment – City of Clearwater	Motion: Renea Vincent Second: Marie Dauphinais	12-0
D. CPA Actions and Tier I Countywide Plan Map Amendments April 2017	None; informational item only	
4. <u>PLANNING TOPICS OF INTEREST</u> A. Pinellas County Medical Marijuana Update	Renea Vincent updated the PAC members on the progress made to date by Pinellas County developing an ordinance to amend its code regarding medical marijuana dispensing facilities and treatment centers. The number of entities licensed by the state now stands at nine. No ordinance has been adopted to this point as conversations continue between the Board of County Commissioners (BCC) and lobbyists for the industry. The BCC is still working with the County Attorney to look at a variety of options for a methodology that would limit the number of facilities. Once a base ordinance is in place the BCC would like to see uniformity in distance requirements across the municipalities. The PAC members engaged in some Q&A on this topic to include a discussion of CPTED and separation of protected land uses. There will be continued discussion at PAC on this topic as the state and county make final decisions on the matter.	
B. Transportation Disadvantaged Program	Sarah Caper, Forward Pinellas staff, provided an overview of the Transportation Disadvantaged Program and answered questions from the PAC members as needed.	

<p>C. Legislative Update</p> <ul style="list-style-type: none"> a. End of Session Recap b. HB 1021 	<p>Linda Fisher updated the PAC members on the final outcomes of relevant legislation since the conclusion of the legislative session. She reported that overall 3,052 bills were filed and 249 passed. Two of the bills that passed were related to land use (TBARTA bill and Wireless Infrastructure bill) and she reviewed the potential impacts. Additionally, two bills that were being followed by PAC during the session, but failed were the bills relating to CRAs and vacation rental regulations. Finally, she reported on HB 1021, which is broadly a construction regulation bill, but contains language that would restrict local governments from regulating signage and possibly buildings for gas stations, and potentially other types of franchises.</p>	
<p>D. Regional Transportation Leadership Workshop Summary</p>	<p>Rodney Chatman updated the PAC members on the workshop that was held on May 12th to begin the process of examining best practices for metropolitan planning organizations in an urbanized area to accomplish regional mobility goals. He offered rationale for the relevance of this topic to PAC due to the potential impact on the Pinellas Planning Council (PPC) to which the committee makes recommendations. Guiding principals and outcomes were taken up at the workshop to inform the upcoming best practices study. The study scope objectives were outlined by phases with timelines. Study recommendations are expected by the end of the year. Some of the potential impacts to the PPC were discussed.</p>	
<p>5. <u>OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA</u></p> <ul style="list-style-type: none"> A. Pinellas SPOTlight Emphasis Areas Update 	<p>Rodney Chatman advised the PAC members that Forward Pinellas will be hosting a technology forum late summer or fall. He also reported that the scopes have been developed for the economic impact study along US 19 to include Tarpon Springs and Largo. Lastly, he advised that the Waterborne Transportation bill that would have offered grant monies to our area was vetoed by the governor.</p>	
<ul style="list-style-type: none"> B. Urban Design Competition 	<p>Rodney Chatman introduced the idea of the upcoming Urban Design Competition to the PAC members advising additional details would be forthcoming.</p>	
<ul style="list-style-type: none"> C. Cancellation of the August PAC Meeting 	<p>The PAC agreed by consensus to cancel the August PAC meeting.</p>	
<ul style="list-style-type: none"> D. Reminder: next meeting is on Wednesday, July 5th due to the Independence Day Holiday 	<p>The PAC members were reminded that the next meeting will be held on Wednesday, July 5th instead of Monday, due to the Independence Day Holiday.</p>	

6. <u>UPCOMING EVENTS</u>	The PAC members received and shared information regarding upcoming events of interest.	
7. <u>ADJOURNMENT</u>	The meeting was adjourned at 2:35 p.m.	

Respectfully Submitted,

PAC Chairman

Date

Planners Advisory Committee – July 5, 2017

3A. Case CW 17- 6 – City of Clearwater



SUMMARY

From: Residential Low Medium
To: Recreation/Open Space
Area: 0.8 acres m.o.l.
Location: 3111 & 3109 Wolfe Road; 421 & 501 North McMullen-Booth Road

This proposed amendment is submitted by the City of Clearwater and seeks to amend a property totaling approximately 0.8 acres from Residential Low Medium (used to depict areas that are primarily well-suited for suburban, low density or moderately dense residential uses at a maximum density of 10 dwelling units per acre) to Recreation/Open Space (is intended to recognize areas appropriate for public and private open spaces and recreational facilities that serve the community or region). This amendment qualifies as a Type B subthreshold amendment because it is changing to the Recreation/Open Space category.

The subject property is comprised of four parcels that are vacant and within Pinellas County's jurisdiction. A Petition for Annexation is being processed concurrently with this case. The proposed use is for the City of Clearwater's Ream Wilson Trail Head. If approved, this amendment will be consistent with the City's Comprehensive Plan.

FINDINGS

Staff submits the following findings in support of the recommendation for approval:

- A. The Recreation/Open Space category recognizes the proposed use of the site, and is consistent with the criteria for utilization of this category.
- B. The proposed amendment either does not involve, or will not significantly impact, the remaining relevant countywide considerations.

Please see accompanying attachments and documents in explanation and support of these findings.

LIST OF MAPS & ATTACHMENTS:

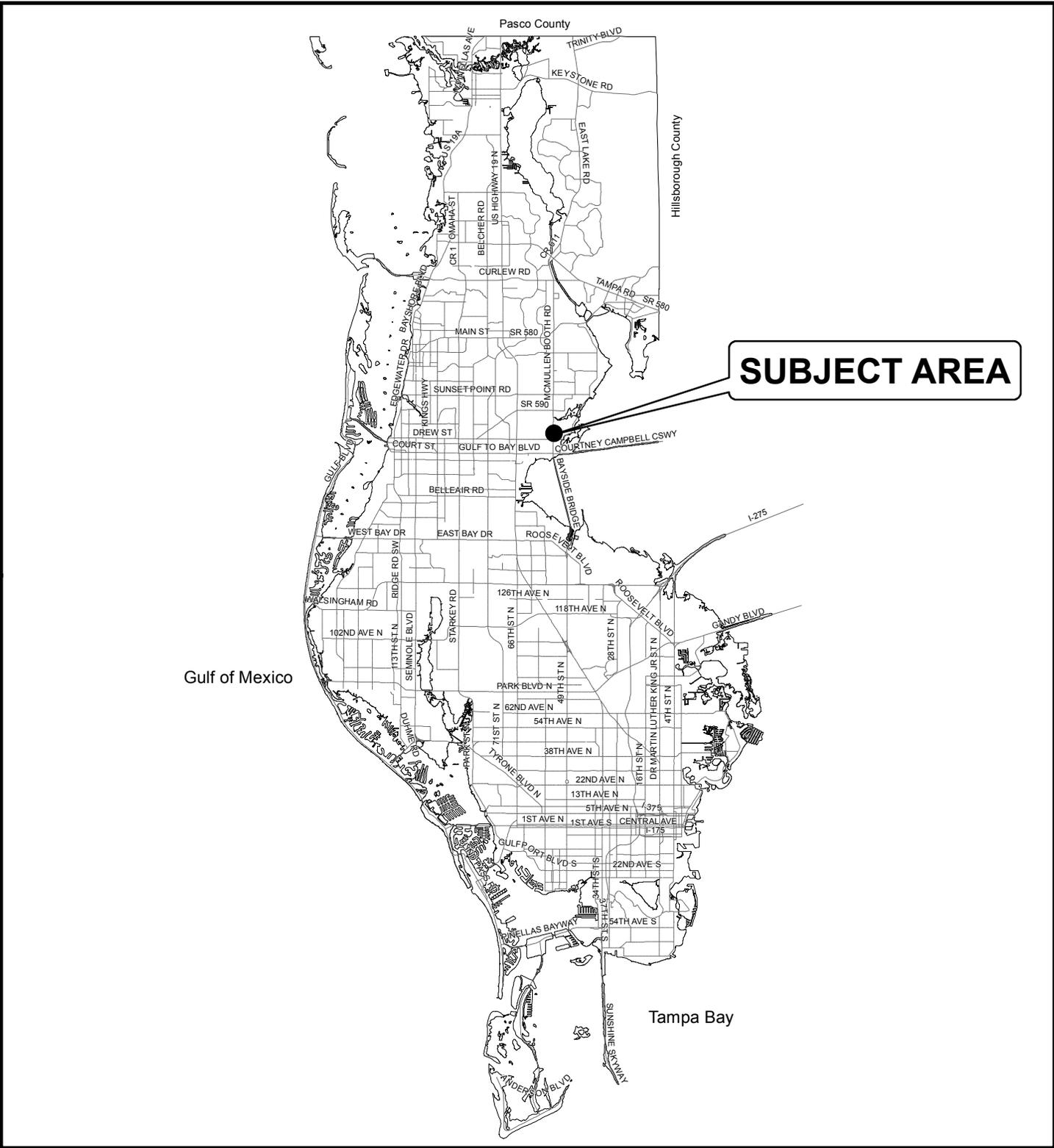
Map 1 Locator Map
Map 2 Site Map
Map 3 Aerial Map
Map 4 Current Countywide Plan Map
Map 5 Proposed Countywide Plan Map

MEETING DATES:

Planners Advisory Committee, July 5, 2017 at 1:30 p.m.
Forward Pinellas, July 12, 2017 at 1:00 p.m.
Countywide Planning Authority, August 1, 2017 at 9:30 a.m.

ACTION: The PAC is required to make a recommendation to Forward Pinellas, in its role as the Pinellas Planning Council, to recommend approval or denial of the requested amendment.

STAFF RECOMMENDATION: The staff recommends to the board that it recommend approval of the requested amendment.



Map 1 - Location

CASE #: CW17-6

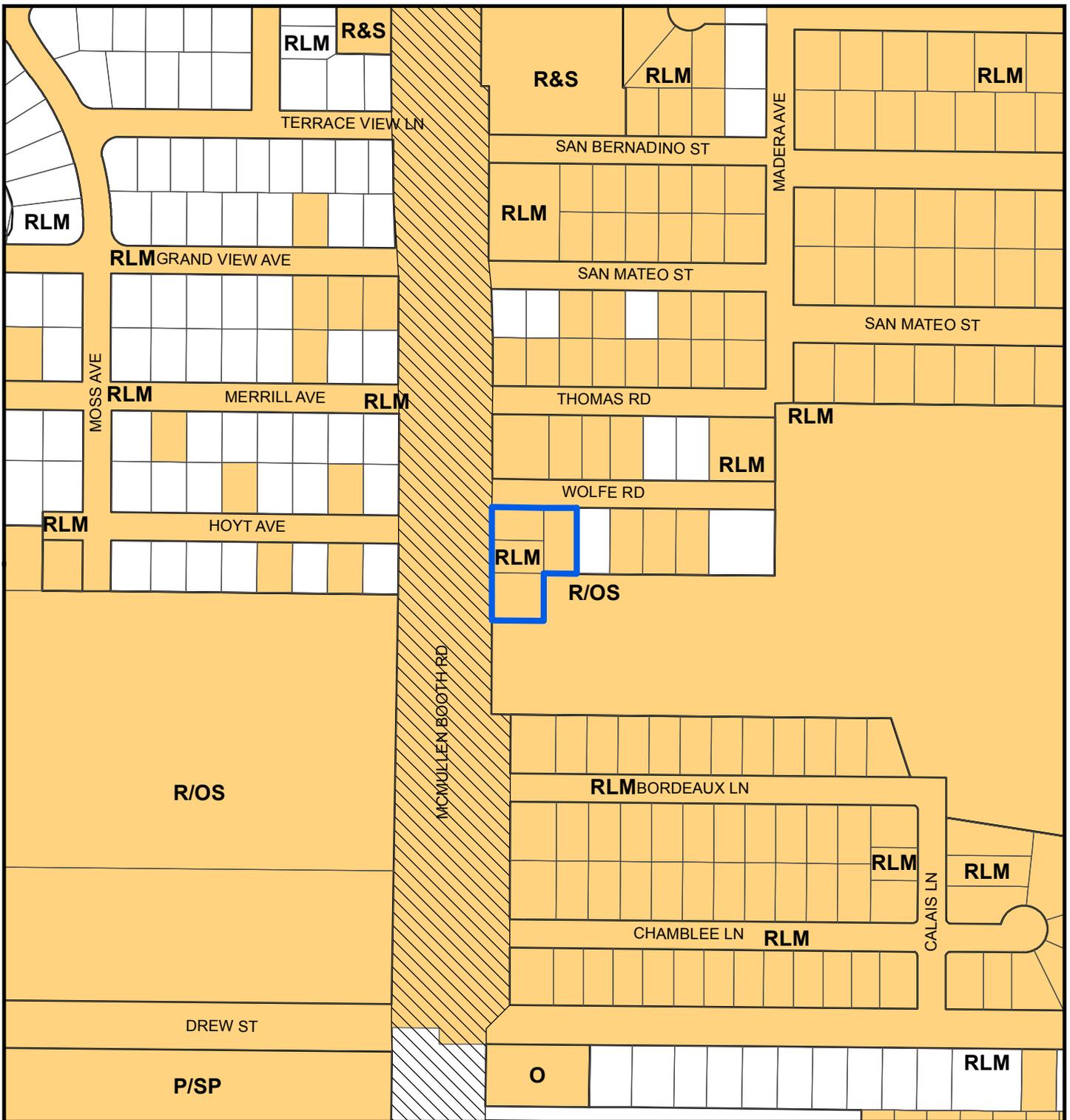
FROM: Residential Low Medium

AREA: 0.8 Acres

JURISDICTION: Clearwater

TO: Recreation/Open Space





Map 2 - Current Countywide Plan Map & Jurisdictional Map

CASE #: CW17-6

FROM: Residential Low Medium

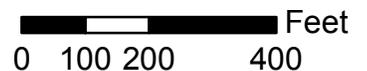
AREA: 0.8 Acres

JURISDICTION: Clearwater

TO: Recreation/Open Space

LEGEND:

- Clearwater
- Unincorporated





Map 3 - Aerial

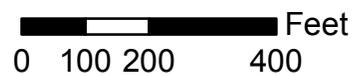
CASE #: CW17-6

FROM: Residential Low Medium

AREA: 0.8 Acres

JURISDICTION: Clearwater

TO: Recreation/Open Space



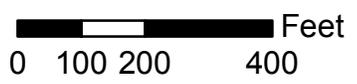


Countywide Plan Map Categories

- Residential Low Medium
- Retail & Services
- Office
- Recreation/Open Space
- Scenic/Noncommercial Corridor

Map 4 - Current Countywide Plan Map

CASE #: CW17-6 **FROM:** Residential Low Medium **AREA:** 0.8 Acres
JURISDICTION: Clearwater **TO:** Recreation/Open Space





Countywide Plan Map Categories

- Residential Low Medium
- Retail & Services
- Office
- Recreation/Open Space

Map 5 - Proposed Countywide Plan Map

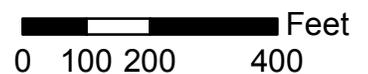
CASE #: CW17-6

FROM: Residential Low Medium

AREA: 0.8 Acres

JURISDICTION: Clearwater

TO: Recreation/Open Space



Planners Advisory Committee – July 5, 2017

3B. Case CW 17- 7 – City of St. Petersburg



SUMMARY

From: Residential Medium
To: Multimodal Corridor
Area: 0.4 acres m.o.l.
Location: 4241 4th Street North

This proposed amendment is submitted by the City of St. Petersburg and seeks to amend a property totaling approximately 0.4 acres from Residential Medium (used to depict areas that are primarily well-suited for medium-density residential uses at a maximum density of 15 dwelling units per acre) to Multimodal Corridor (is intended to recognize those corridors of critical importance to the movement of people and goods throughout the county and that are served by multiple modes of transport, including automobile, bus, bicycle, rail, and/or pedestrian). This amendment qualifies as a Type A subthreshold amendment because it is less than ten acres in size and meets the balancing criteria.

The subject property contains the eastern portion of a Chick-Fil-A drive-thru facility. The amendment will allow the Chick-Fil-A to upgrade the site to their internal property maintenance and industry standards. If approved, this amendment will be consistent with the City's Comprehensive Plan.

FINDINGS

Staff submits the following findings in support of the recommendation for approval:

- A. The Multimodal Corridor category recognizes the proposed use of the site, and is consistent with the criteria for utilization of this category.
- B. The proposed amendment either does not involve, or will not significantly impact, the remaining relevant countywide considerations.

Please see accompanying attachments and documents in explanation and support of these findings.

LIST OF MAPS & ATTACHMENTS:

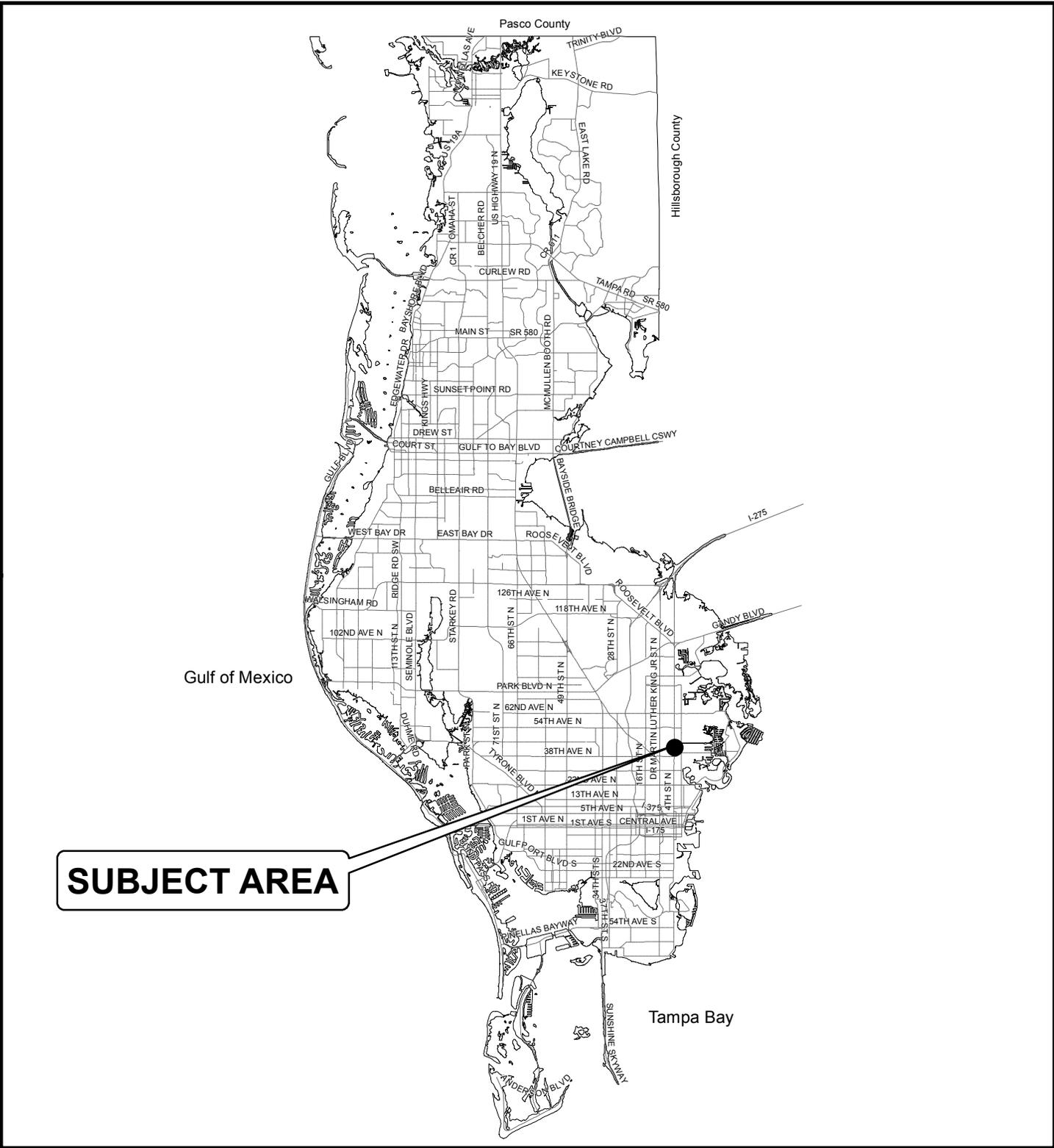
Map 1 Locator Map
Map 2 Site Map
Map 3 Aerial Map
Map 4 Current Countywide Plan Map
Map 5 Proposed Countywide Plan Map

MEETING DATES:

Planners Advisory Committee, July 5, 2017 at 1:30 p.m.
Forward Pinellas, July 12, 2017 at 1:00 p.m.
Countywide Planning Authority, August 1, 2017 at 9:30 a.m.

ACTION: The PAC is required to make a recommendation to Forward Pinellas, in its role as the Pinellas Planning Council, to recommend approval or denial of the requested amendment.

STAFF RECOMMENDATION: The staff recommends to the board that it recommend approval of the requested amendment.



Map 1 - Location

CASE #: CW17-7

FROM: Residential Medium

AREA: 0.4 Acres

JURISDICTION: St. Petersburg

TO: Multimodal Corridor





Map 2 - Current Countywide Plan Map & Jurisdictional Map

CASE #: CW17-7

FROM: Residential Medium

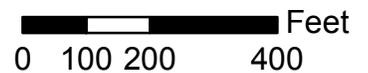
AREA: 0.4 Acres

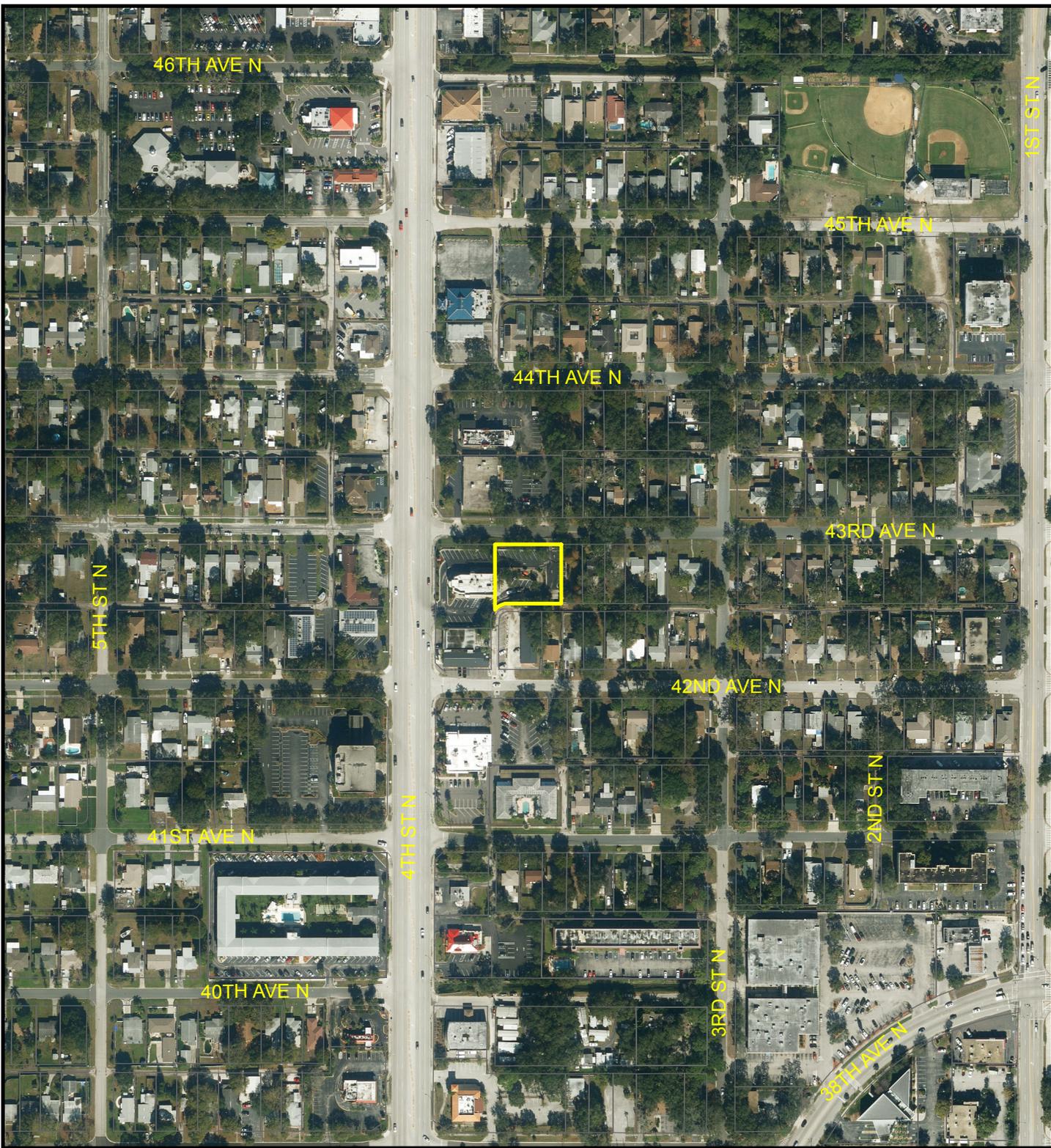
JURISDICTION: St. Petersburg

TO: Multimodal Corridor

LEGEND:

 St Petersburg





Map 3 - Aerial

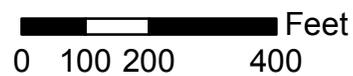
CASE #: CW17-7

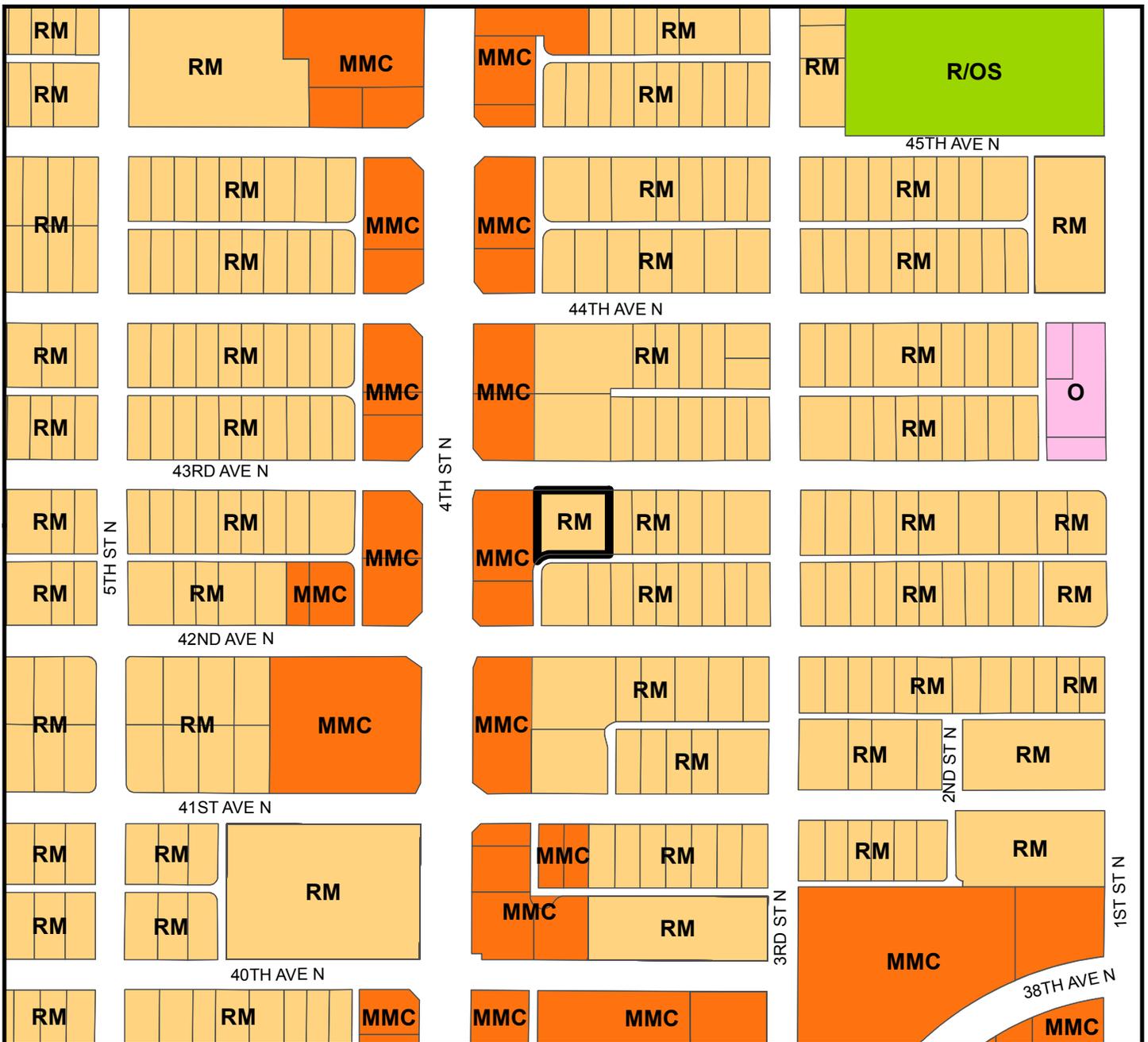
FROM: Residential Medium

AREA: 0.4 Acres

JURISDICTION: St. Petersburg

TO: Multimodal Corridor





Countywide Plan Map Categories

- Residential Medium
- Recreation/Open Space
- Office
- Multimodal Corridor

Map 4 - Current Countywide Plan Map

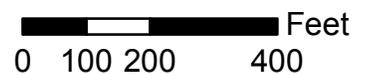
CASE #: CW17-7

FROM: Residential Medium

AREA: 0.4 Acres

JURISDICTION: St. Petersburg

TO: Multimodal Corridor





Countywide Plan Map Categories

- Residential Medium
- Recreation/Open Space
- Office
- Multimodal Corridor

Map 5 - Proposed Countywide Plan Map

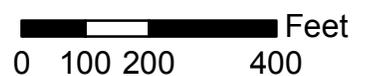
CASE #: CW17-7

FROM: Residential Medium

AREA: 0.4 Acres

JURISDICTION: St. Petersburg

TO: Multimodal Corridor



Planners Advisory Committee – July 5, 2017

3C. Map Adjustments – City of Safety Harbor



SUMMARY

The Countywide Rules include a procedure allowing local governments within Pinellas County to submit for Countywide Plan Map boundary adjustments that are minor in nature and include only the following categories: Water/Drainage Feature, Preservation, and Recreation/Open Space.

These categories are often generalized on the Countywide Plan Map and, after site plan review at the local level or other action such as completion of a wetland jurisdictional determination, a more specific area can be delineated. To qualify for this process, the Countywide Rules require submission of one of the following: a letter of determination with accompanying legal description, a wetland jurisdictional survey, or final site plan. More specifically, as per subsection 6.3.8.6 of the Countywide Rules, adjustments can be:

- Related to and consistent with a jurisdictional boundary determination under state agency rules; or
- Related to and consistent with an approved site plan or project plan for a body of water or drainage feature; or
- Related to and consistent with the purpose and characteristics of the particular plan category being adjusted and, absent a determination by the Interim Executive Director to the contrary, based upon a finding by the local government with jurisdiction or its designee that such adjustment is diminimus in extent and effect.

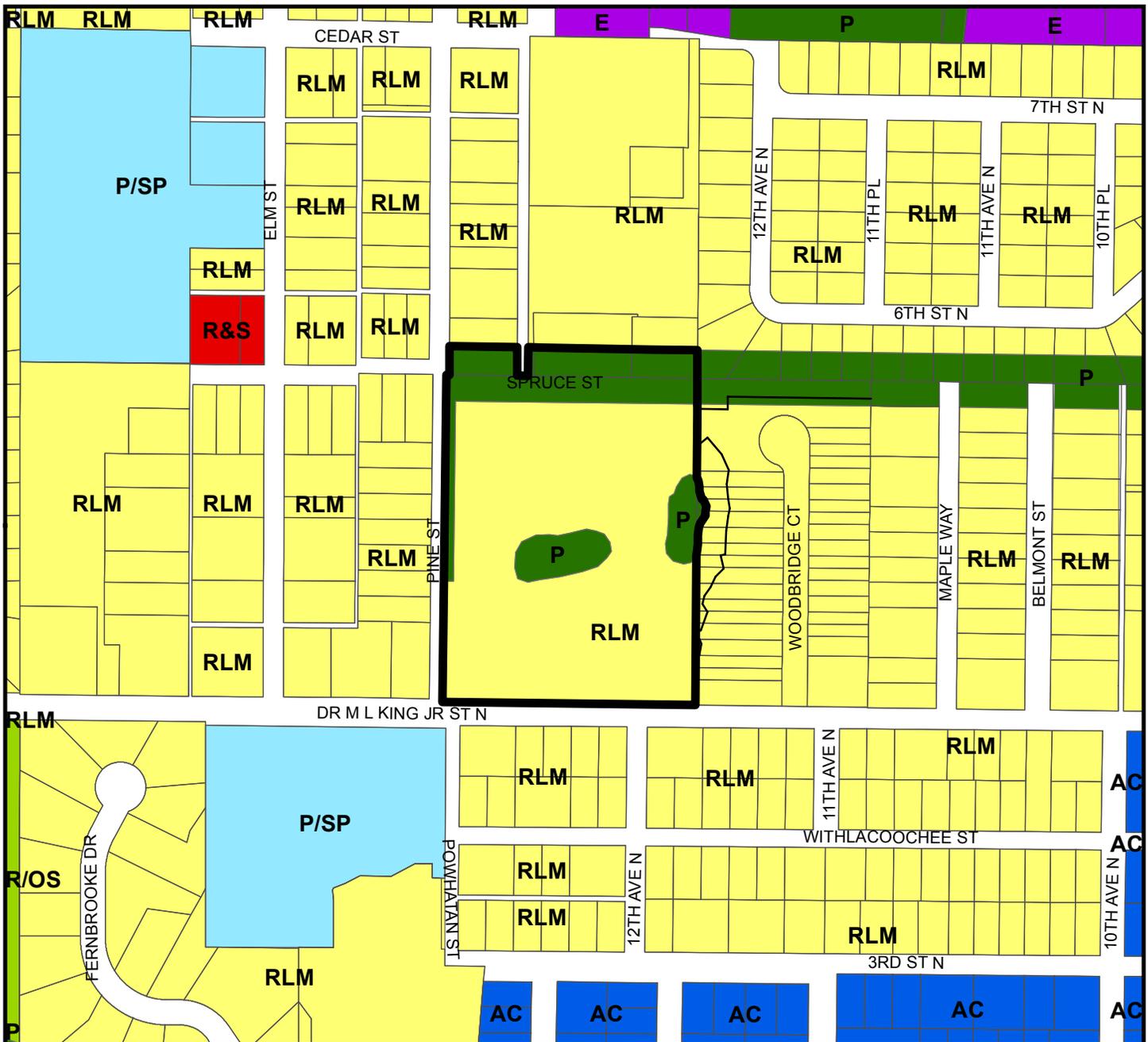
CITY OF SAFETY HARBOR

This area involves the City of Safety Harbor owned retention area and adjacent residential properties. It will include approximately 7.9 acres and involve adjustment of the boundary lines between the Preservation and Residential Urban categories per a record drawing.

LIST OF MAPS & ATTCHMENTS:

Map 1 Current Future Land Use
Map 2 Proposed Future Land Use

Attachment 1 Record Drawing



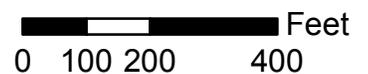
Countywide Plan Map Categories

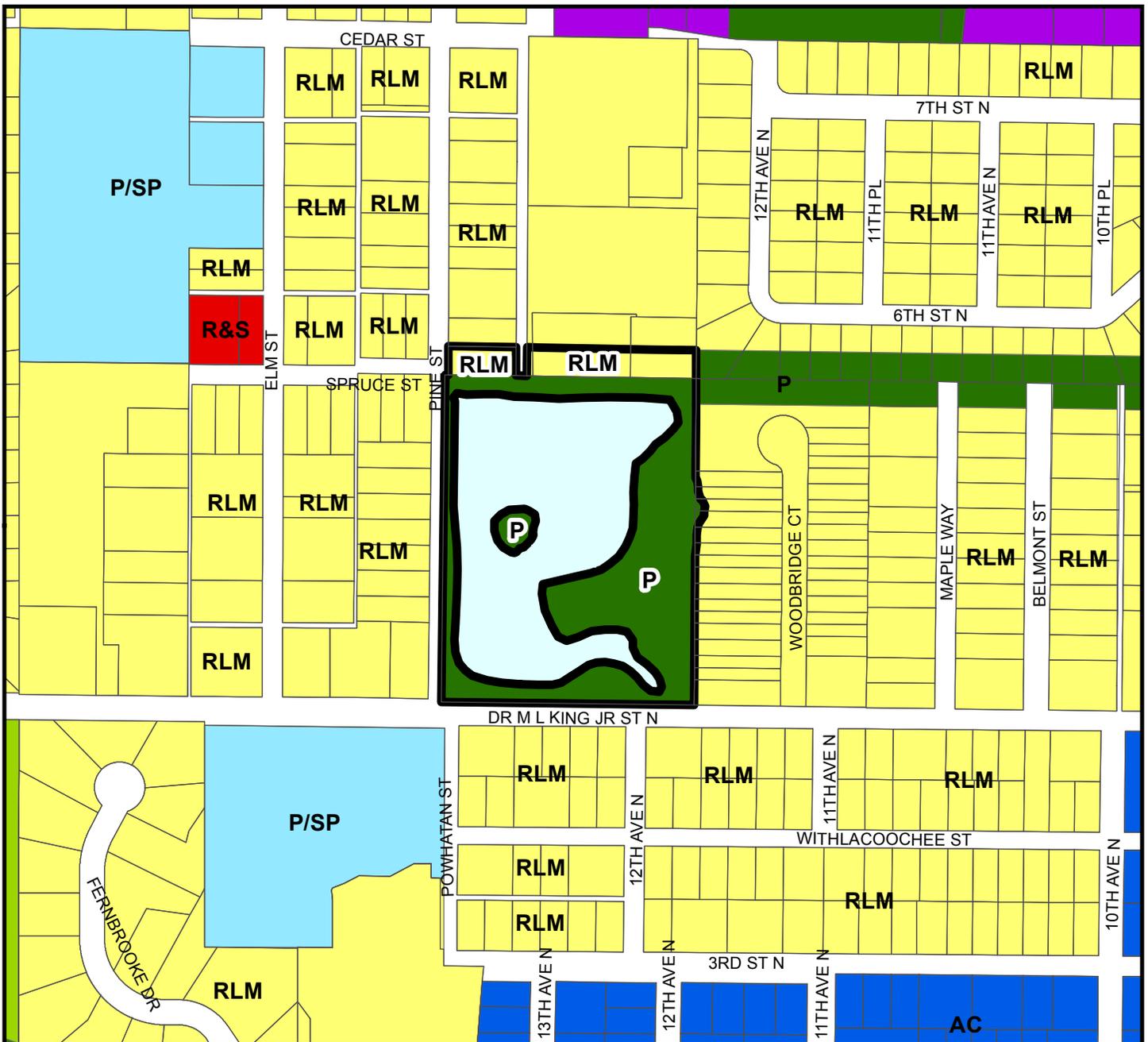
- | | |
|--|---|
|  Residential Low Medium |  Recreation/Open Space |
|  Retail & Services |  Preservation |
|  Employment |  Activity Center |
|  Public/Semi-Public | |

Map 4 - Current Countywide Plan Map

CASE #: CWP-MA17-2 FROM: Residential Low Medium & Preservation AREA: 7.9 Acres

JURISDICTION: Safety Harbor TO: Residential Low Medium & Preservation





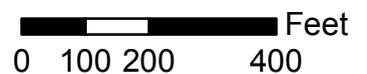
Countywide Plan Map Categories

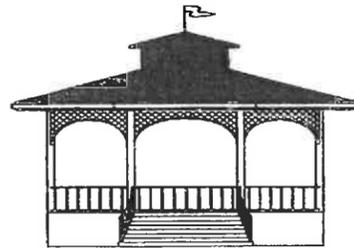
- | | | |
|---|--|---|
|  Recreation/Open Space |  Residential Low Medium |  Public/Semi-Public |
|  Water |  Retail & Services |  Recreation/Open Space |
|  Activity Center |  Employment |  Preservation |

Map 5 - Proposed Countywide Plan Map

CASE #: CWP-MA17-2 **FROM:** Residential Low Medium & Preservation **AREA:** 7.9 Acres

JURISDICTION: Safety Harbor **TO:** Residential Low Medium & Preservation





MAYOR
PATRICK SLEVIN

VICE-MAYOR
PAMELA CORBINO

COMMISSIONERS
DONALD FLETCHER
ROLLIN YANCHAR
NADINE NICKESON

CITY MANAGER
STEVE WYLIE

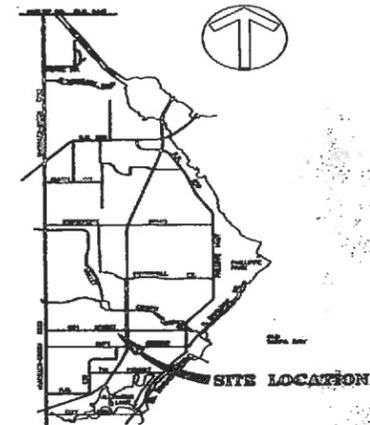
PUBLIC WORKS DIRECTOR
KURT PETERS

CITY ENGINEER
JOHN PARKS

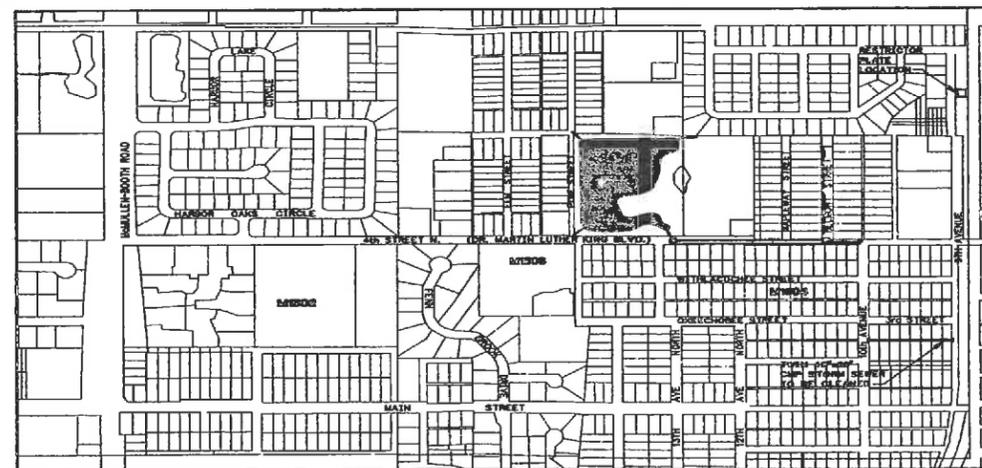
CITY of SAFETY HARBOR

4TH STREET OUTFALL MODIFICATION (SEMINOLE PARK DRAINAGE PROJECT)

RECORD DRAWINGS



VICINITY MAP



LOCATION MAP
SEC. 4 ,TWSP. 29 S., RNG. 16 E.

PREPARED BY: Greeley and Hansen

IN COOPERATION WITH:
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
PINELLAS-ANCLOTE RIVER BASIN BOARD

CONTRACTOR: R.E.Purcell Construction Co., Inc.
Representative's Signature: _____

RELATED STANDARDS & SPECIFICATIONS

DOCUMENT	DESCRIPTION
D-1	STATE OF FLORIDA "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS", AUG. 1968
D-2	FEDERAL HIGHWAY ADMINISTRATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS
D-3	FLORIDA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", 1991 AND ALL SUPPLEMENTAL SPECIFICATIONS THERETO
D-4	FLORIDA DEPARTMENT OF TRANSPORTATION "ROADWAY & TRAFFIC DESIGN STANDARDS", JAN. 1994
D-5	PINELLAS COUNTY "SPECIFICATIONS FOR HOT BITUMINOUS MIXTURES, PLANT METHODS, EQUIPMENT AND CONSTRUCTION METHODS", SEPT. 1988

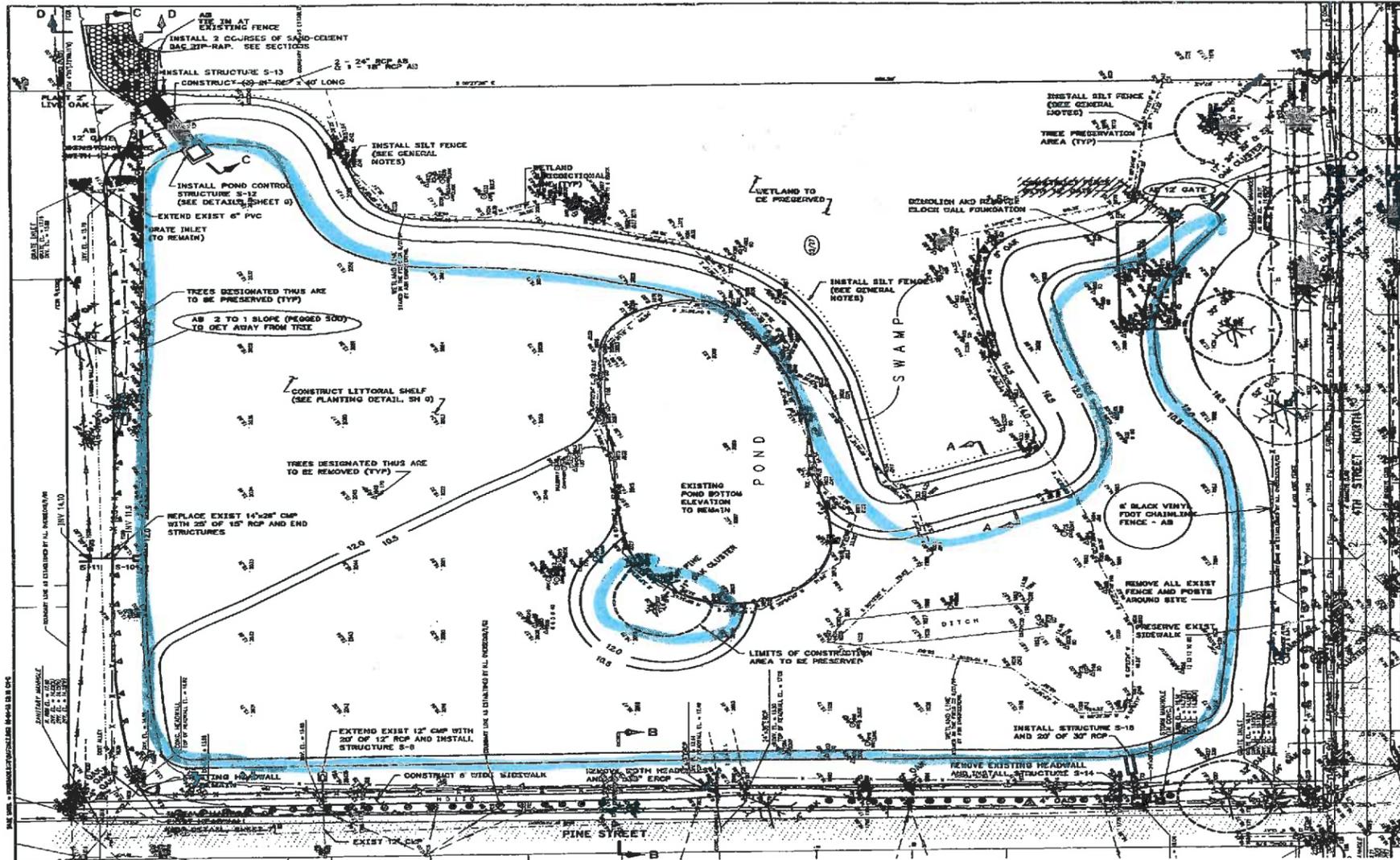
NOTE: THE PROVISIONS OF DOCUMENT D-5 SHALL SUPERSEDE THE CORRESPONDING PROVISIONS OF DOCUMENT D-3

SHEET INDEX

1. COVER SHEET
2. GENERAL NOTES, ABBREVIATIONS LEGEND AND STRUCTURE SCHEDULE
3. PLAN AND PROFILE
STA. 4+42.2 TO STA. 7+75.0
4. PLAN AND PROFILE
STA. 7+75.0 TO STA. 13+50.7
5. WET DETENTION FACILITY
PLANS AND SECTIONS
6. MISCELLANEOUS DETAILS
7. BELMONT STREET DITCH
AND MISCELLANEOUS DETAILS
8. CITY STANDARD WATER
SYSTEM DETAILS
9. CITY STANDARD SANITARY
SEWER DETAILS

RECORD DRAWING
THIS RECORD DRAWING IS NOT GUARANTEED BUT IS BELIEVED TO REPRESENT CONDITIONS UPON COMPLETION OF CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE ENGINEER TO OBTAIN THE INFORMATION FURNISHED TO THE ENGINEER PORTALONE TO CHECK WORK OWNERS CONSTRUCTION.

SHEET 1 of 9



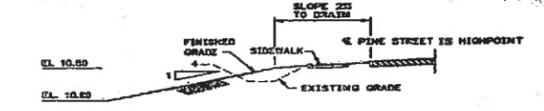
DESIGNATES PROPOSED PLANTED OAK TREE, PLANT TWENTY 1 1/2" DIAMETER LAUREL GUMS ALONG NORTH BOUNDARY OF SITE AND PLANT NINE 2" DIAMETER LIVE GUMS ALONG PINE AND 4TH STREET EXCEPT AS SHOWN OTHERWISE (ONE 2" LIVE OAK)

WET DETENTION FACILITY PLAN
SCALE 1" = 30'

DESIGNATES MAX MYRTLE PLANTED (46 TOTAL) AB



SECTION A
SCALE 1" = 10'



SECTION B
SCALE 1" = 10'



SECTION C
SCALE 1" = 10'



SECTION D
SCALE 1" = 10'

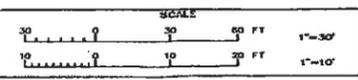
RECORD DRAWINGS
THIS RECORD DRAWING IS TO BE PREPARED BY THE CONTRACTOR AND IS SUBJECT TO APPROVAL BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND EXISTING STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING STRUCTURES.

GREELY AND HANSEN
ENGINEERS
1715 NORTH WESTSHORE BOULEVARD
TAMPA, FLORIDA 33607

DESIGNED TYW
DRAIN ROO
CHECKED DCH

APPROVED
CITY OF SAFETY HARBOR
DATE

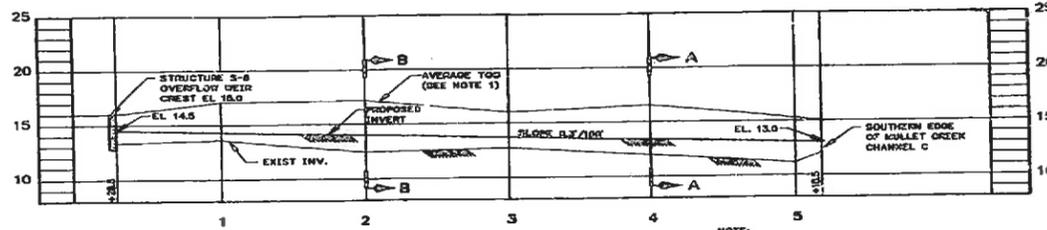
NO.	DATE	APP'D	REVISION
10/98	TYW		ADD 3 TREES TO BE PRESERVED
10/98	TYW		ADD LOCATION OF PLANTED TREES



CITY OF SAFETY HARBOR, FLORIDA
4th STREET OUTFALL MODIFICATION
(SEMINOLE PARK DRAINAGE PROJECT)

WET DETENTION FACILITY
PLAN AND SECTIONS

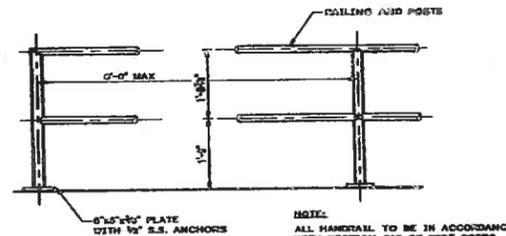
FILE NAME SAFESH5
SHEET 5 OF 9
DATE AUGUST 1998 REV 2



BELMONT STREET DITCH PROFILE

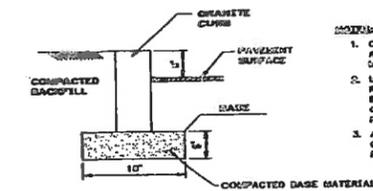
1" = 5' VERT.
1" = 50' HORIZ.
LOOKING WEST

NOTE:
1. AVERAGE TOP OF DAMK PLOTTED IS THE AVERAGE OF THE EAST DAMK AND WEST DAMK TOP OF DAMK ELEVATION.



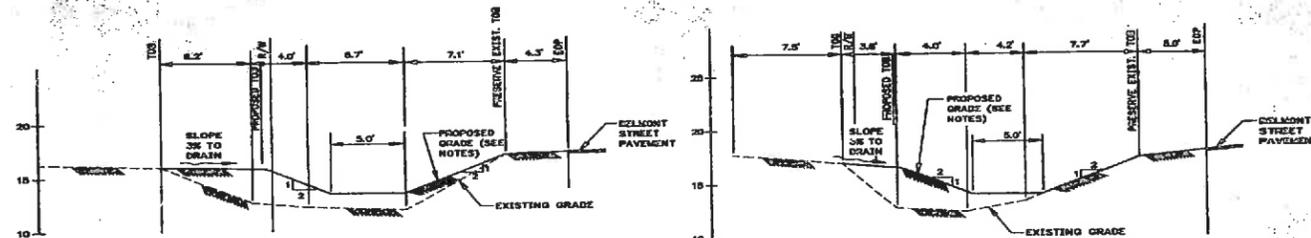
TYPICAL RAILING

SCALE: 3/4" = 1'-0"



GRANITE CURB DETAIL

- NOTE:
- CAREFULLY REMOVE EXISTING GRANITE CURBS AND CLEAN OFF ASPHALT, CONCRETE AND OTHER MATERIALS.
 - USE ONLY FULL SECTIONS OF GRANITE CURB FOR REINSTALLATION UNLESS APPROVED BY THE ENGINEER. ADDITIONAL SECTIONS OF GRANITE CURB WILL BE PROVIDED BY THE CITY AT ITS PUBLIC WORKS YARD.
 - ALL JOINTS BETWEEN ADJACENT SECTIONS OF GRANITE CURB SHALL BE DUFFED WITH A 1 PART PORTLAND CEMENT/3 PARTS SAND GROUT MIX.



CROSS SECTION A

1" = 5' LOOKING NORTH

CROSS SECTION B

1" = 5' LOOKING NORTH

- NOTES:
- ENTIRE PROPOSED GRADES TO BE SODDED.
 - USE SURPLUS FILL FROM POND SITE.



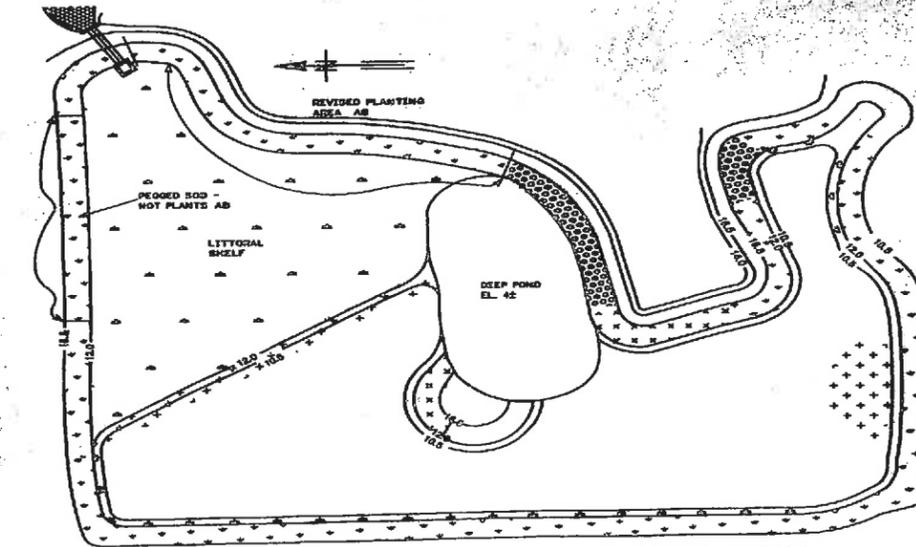
EXISTING CONFIGURATION

PROPOSED MODIFICATION

RESTRICTOR PLATE MODIFICATION DETAIL

N.T.S.

NOTE:
LOCATION OF RESTRICTOR PLATE IS WITHIN A 60" CONCRETE BOX CULVERT LOCATED APPROXIMATELY 300' NORTH OF 8th STREET AT THE EAST EDGE OF 9th AVENUE RIGHT-OF-WAY. SEE LOCATION MAP ON COVER. FOR ADDITIONAL DETAIL, SEE PROJECT RECORD DRAWINGS FOR 9th AVENUE NORTH FROM MAIN STREET TO HARBOR LAKE DRIVE, PROJECT NO. SAH2010.01



- PLANT SAND CORDEGRASS (*Spartina patens*), 1 GALLON SIZE ON 3 FOOT CENTERS BETWEEN ELEVATION 15.00 AND 13.75
- PLANT APPROXIMATE EVEN MIX OF SOFT GRASS (*Sagittaria arifolia*) AND SOFT-STEMMED DUCKWEED (*Scirpus palustris*), BAREFOOT (ONE GALLON EQUIVALENT SIZE), ON 3 FOOT CENTERS BETWEEN ELEVATION 14.00 AND 12.50
- PLANT APPROXIMATE EVEN MIX OF ANTIPODAS (*Sagittaria latifolia*) AND PICKERELWEED (*Potamogeton nodosus*), BAREFOOT (ONE GALLON EQUIVALENT SIZE), ON 3 FOOT CENTERS AT APPROXIMATE ELEVATION 12.0
- PLANT FRAGRANT WATER LILIES (*Najas americana*), BAREFOOT (ONE GALLON EQUIVALENT SIZE) ON 8 TO 10 FOOT CENTERS AT APPROXIMATE ELEVATION 10.5. USE TWO ROWS ALONG LITTORAL SHELF EDGE.
- PLANT BUTTONBUSH (*Casualanea occidentalis*), 1 GALLON SIZE ON 3 FOOT CENTERS BETWEEN ELEVATION 14.00 AND 12.75
- PLANT WAX MYRTLE (*Myrica carolinensis*), 1 GALLON SIZE ON 3 FOOT CENTERS BETWEEN ELEVATION 15.00 AND 13.5

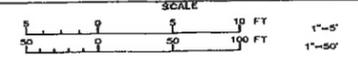
NOTE:
PLACE 6" THICK LAYER OF STERILE PEAT OR MUCK FROM APPROVED SOURCE IN ALL AREAS TO BE PLANTED.

PLANTING DETAIL

RECORD DRAWING
THIS RECORD DRAWING IS NOT GUARANTEED BUT IS DELIVERED TO REPRESENT CONDITIONS UPON COMPLETION OF CONSTRUCTION WITHIN REASONABLE TOLERANCES, BASED UPON THE INFORMATION FURNISHED TO THE ENGINEER PERTAINING TO OWNER'S MAKE BEFORE CONSTRUCTION.

GREELEY AND HANSEN
ENGINEERS
1715 NORTH WESTSHORE BOULEVARD
TAMPA, FLORIDA 33607

DESIGNED TYW	APPROVED	DATE
DRAWN MTD	CITY OF SAFETY HARBOR	
CHECKED TYW	GREELEY AND HANSEN	



CITY OF SAFETY HARBOR, FLORIDA
4th STREET OUTFALL MODIFICATION
(SEMINOLE PARK DRAINAGE PROJECT)

BELMONT STREET DITCH AND
MISCELLANEOUS DETAILS

FILE NAME	SAFESH7
SHEET	7 OF 9
DATE	AUGUST 1988 REV 1

SUMMARY

The Countywide Rules include a procedure allowing local governments within Pinellas County to submit for Countywide Plan Map boundary adjustments that are minor in nature and include only the following categories: Water/Drainage Feature, Preservation, and Recreation/Open Space.

These categories are often generalized on the Countywide Plan Map and, after site plan review at the local level or other action such as completion of a wetland jurisdictional determination, a more specific area can be delineated. To qualify for this process, the Countywide Rules require submission of one of the following: a letter of determination with accompanying legal description, a wetland jurisdictional survey, or final site plan. More specifically, as per subsection 6.3.8.6 of the Countywide Rules, adjustments can be:

- Related to and consistent with a jurisdictional boundary determination under state agency rules; or
- Related to and consistent with an approved site plan or project plan for a body of water or drainage feature; or
- Related to and consistent with the purpose and characteristics of the particular plan category being adjusted and, absent a determination by the Interim Executive Director to the contrary, based upon a finding by the local government with jurisdiction or its designee that such adjustment is diminimus in extent and effect.

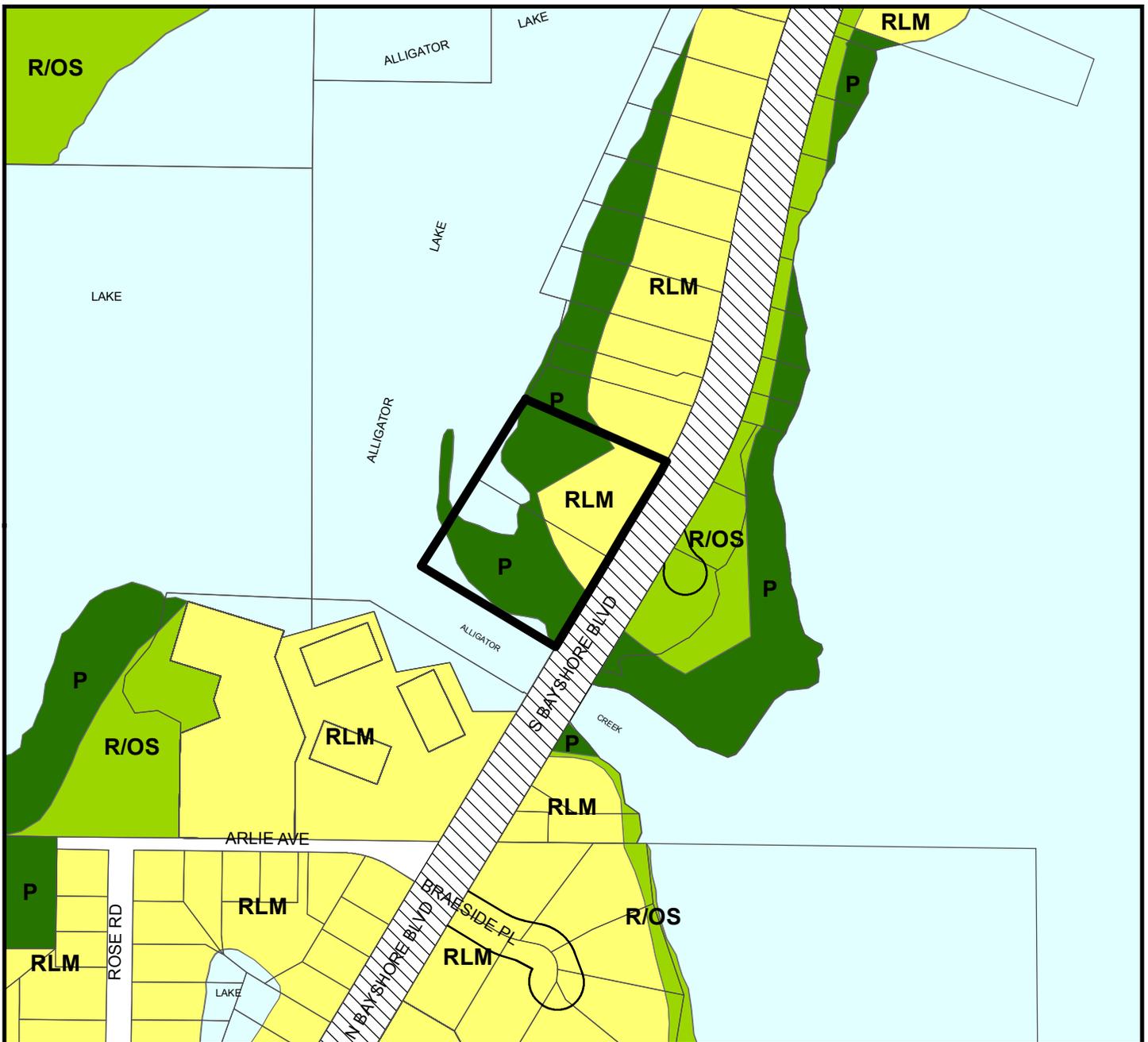
CITY OF SAFETY HARBOR

This area involves the adjustment of the future land use categories on two residential properties. It will include approximately 2.9 acres and involve adjustment of the boundary lines between the Preservation and Residential Low categories per a jurisdictional wetland survey and Florida Department of Environmental Protection (FDEP) environmental resource permit.

LIST OF MAPS & ATTCHMENTS:

Map 1 Current Future Land Use
Map 2 Proposed Future Land Use

Attachment 1 Jurisdictional wetland survey
Attachment 2 FDEP environmental resource permit



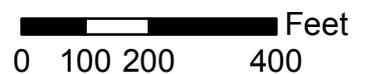
Countywide Plan Map Categories

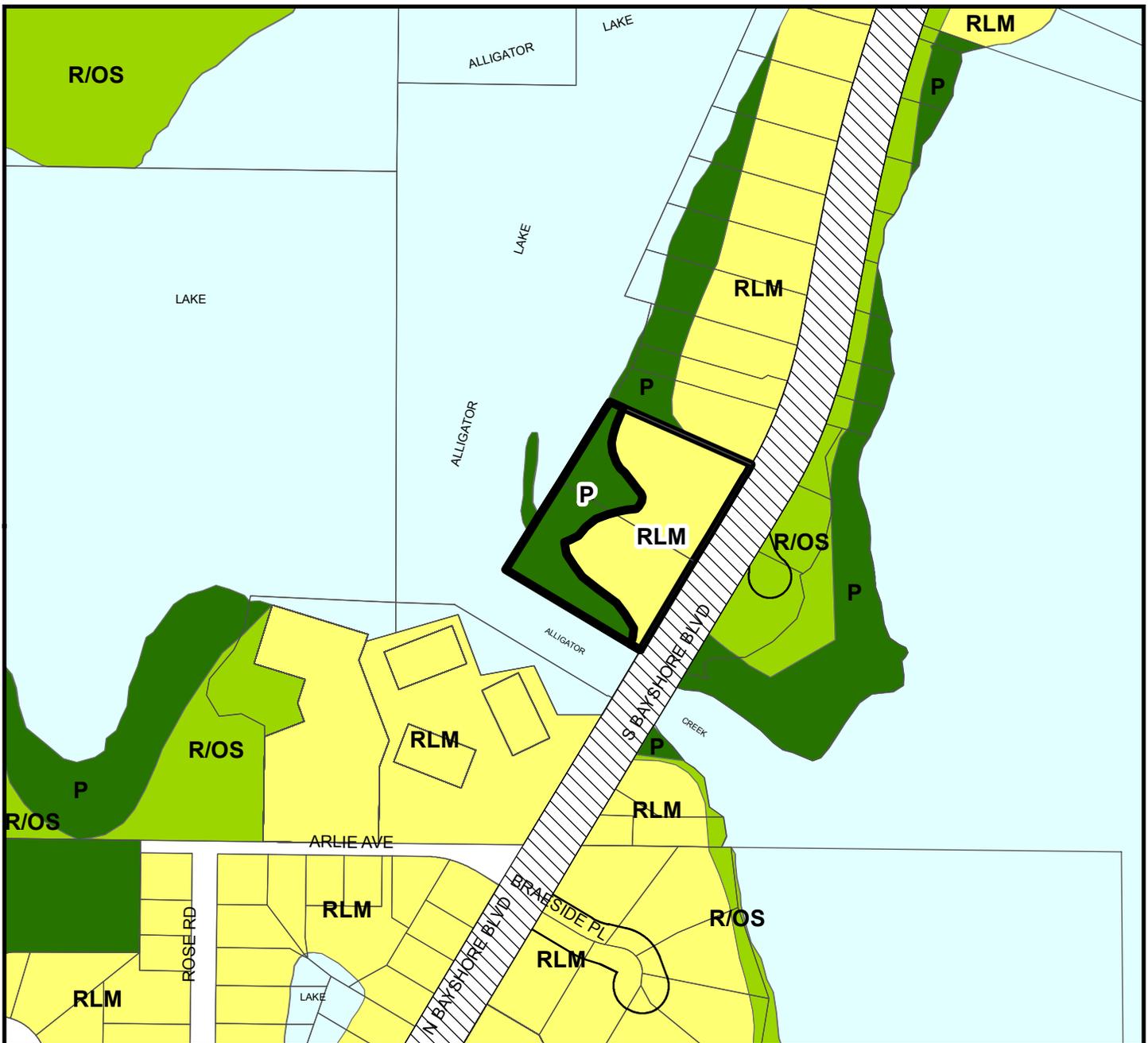
- Residential Low Medium
- Preservation
- Recreation/Open Space
- Scenic/Noncommercial Corridor

Map 4 - Current Countywide Plan Map

CASE #: CWP-MA17-3 FROM: Residential Low Medium & Preservation AREA: 2.9 Acres

JURISDICTION: Safety Harbor TO: Residential Low Medium & Preservation





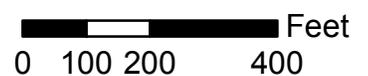
Countywide Plan Map Categories

- | | |
|---|---|
|  Residential Low Medium |  Recreation/Open Space |
|  Scenic/Noncommercial Corridor |  Preservation |

Map 5 - Proposed Countywide Plan Map

CASE #: CWP-MA17-3 **FROM:** Residential Low Medium & Preservation **AREA:** 2.9 Acres

JURISDICTION: Safety Harbor **TO:** Residential Low Medium & Preservation



JUN 25 2013

Southwest District

3-3
 HPE
 HIGER POLYMER ENGINEERING

HPE
 HIGER POLYMER ENGINEERING
 10000 W. UNIVERSITY BLVD., SUITE 200
 TAMPA, FLORIDA 33613
 TEL: (813) 944-0300
 FAX: (813) 944-0300

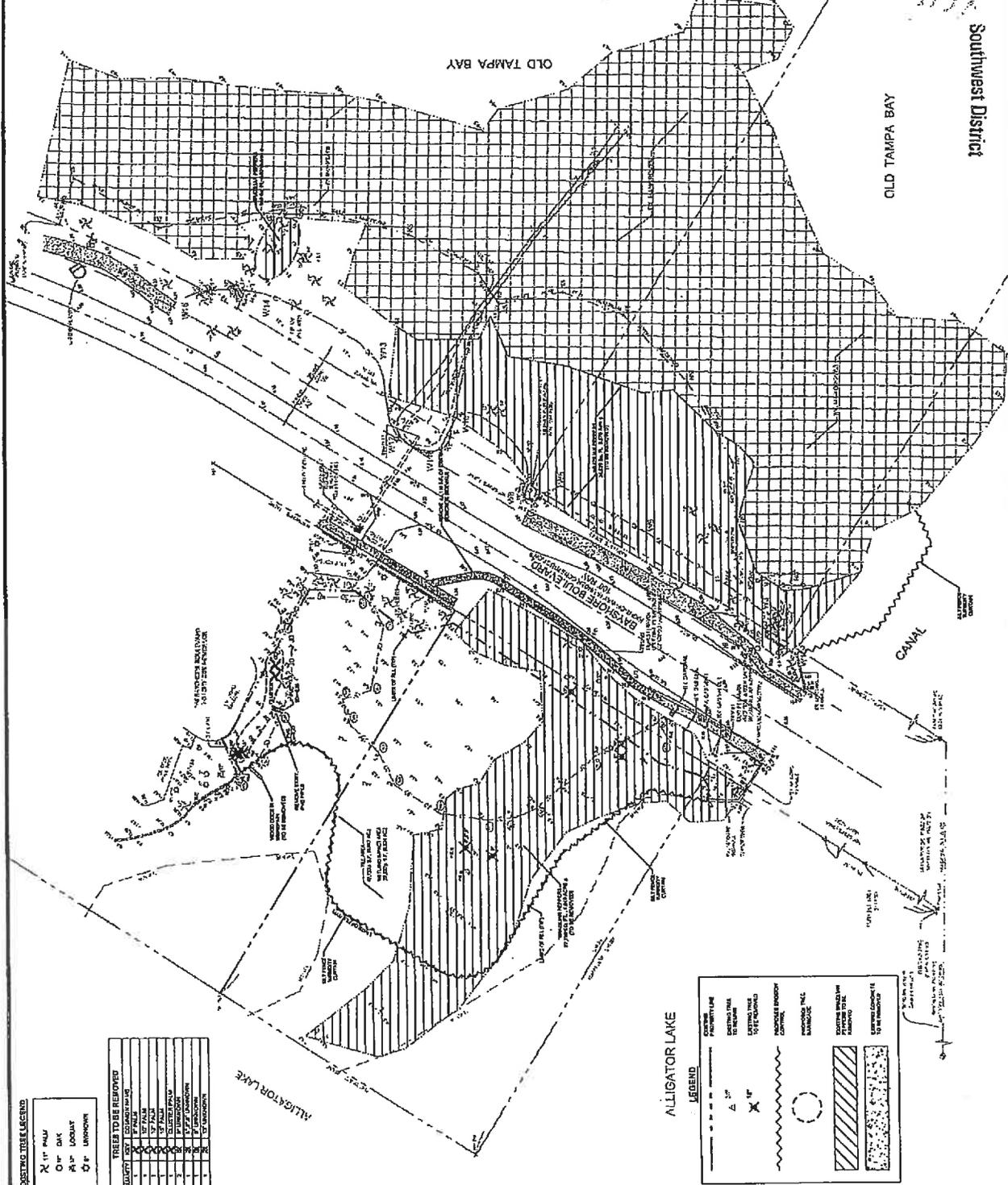
PROJECT: POLITIS FAMILY RESIDENCE
 957 SOUTH BAYSHORE BOULEVARD
 SAFETY HARBOR, FLORIDA 34885

EXISTING CONDITIONS AND DEMOLITION PLAN

DESIGNED BY	DATE	BY
PROJECT NO.	DATE	BY
REVISIONS	DATE	BY

NOTES:

1. THE EXISTING CONDITIONS AND DEMOLITION PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE FIELD SURVEY CONDUCTED BY THE ENGINEER. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS REVIEWED ALL AVAILABLE RECORD DRAWINGS AND SURVEY DATA. THE ENGINEER HAS NOT CONDUCTED ANY TESTS OR INVESTIGATIONS TO DETERMINE THE EXACT LOCATION OR DEPTH OF ANY UTILITIES OR STRUCTURES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.
2. THE EXISTING CONDITIONS AND DEMOLITION PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE ENGINEER HAS CONDUCTED ALL NECESSARY STUDIES AND REPORTS TO OBTAIN THESE APPROVALS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. THE EXISTING CONDITIONS AND DEMOLITION PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE ENGINEER HAS CONDUCTED ALL NECESSARY STUDIES AND REPORTS TO OBTAIN THESE APPROVALS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.



EXISTING TREE LEGEND

SYMBOL	TREE TO BE REMOVED
X	1" PALM
O	6" DK
P	6" PALM
L	6" L
U	6" U
W	6" W
Y	6" Y
Z	6" Z

LEGEND

---	PROPERTY LINE
---	EXISTING WALL TO REMAIN
---	EXISTING WALL TO BE DEMOLISHED
---	PROPOSED PROPERTY CONTROL
---	PROPOSED CONC. DRIVEWAY



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

SOUTHWEST DISTRICT OFFICE
13051 NORTH TELECOM PARKWAY
TEMPLE TERRACE, FLORIDA 33637-0926

RICK SCOTT
GOVERNOR
HERSCHEL T. VINYARD JR.
SECRETARY

**Standard General
Environmental Resource Permit and State-owned Submerged Lands Authorization
Permittee: Peter Politis
Permit No: 52-0315893-001-ES09
Permit Issuance Date: July 1, 2013
Permit Construction Phase Expiration Date: July 1, 2018**

AUTHORIZATIONS

Project Description

The permittee is authorized to fill approximately 0.56 acres of freshwater marsh (FLUCCS Code 641) and surface waters for the construction of a single-family home within the landward extent of Alligator Lake, a Class III Florida Waterbody, above the mean high water line. The home will be constructed adjacent to two existing single-family homes on the same parcel. The permittee shall remove Brazilian pepper from the entire property.

In addition, the permittee is authorized to construct an approximately 760 square foot single-family dock within Old Tampa Bay, a Class II Outstanding Florida Waterbody and part of the Pinellas County Aquatic Preserve. Authorized activities are depicted on the attached exhibits.

To mitigate for the filling of 0.56 acres of freshwater marsh (FLUCCS Code 641), the permittee shall purchase 0.23 freshwater marsh credits from the Tampa Bay Mitigation Bank (TBMB).

The project described above may only be conducted accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

State-owned Submerged Lands Authorization

As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent pursuant to rule 18-21.005(1)(c), Florida Administrative Code (F.A.C.), as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

Water Quality Certification

The State of Florida herein notifies the U.S. Army Corps of Engineers and any other interested parties that this permit is issued under the "net improvement" provision of Section 373.414(1)(b)3, F.S. Therefore, federal water quality certification is waived under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities, including the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

PROJECT LOCATION

The activities authorized by this permit and authorization to use state-owned submerged lands are located at 967 S. Bayshore Boulevard, Safety Harbor, in Section 03, Township 29 South, Range 16 East, in Pinellas County. The single-family home will be constructed on Parcel ID No. 03-29-16-10188-005-0150, the dock will be installed on Parcel ID No. 03-29-16-10188-005-0070.

PERMIT/STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General State Lands Consent Conditions**
- **The limits, conditions, and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure that the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor should also read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and state-owned submerged lands authorization as specifically described herein.

SPECIFIC CONDITIONS

1. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the permittee's name and permit number 52-0315893-001-ES09 and shall be directed by e-mail to SW_ERP@dep.state.fl.us with a subject line of "Compliance: permit number 52-0315893-001-ES09", or by mail to:

Department of Environmental Protection
Southwest District
ATTN: ERP Compliance Assurance
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

2. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
3. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

PRIOR TO CONSTRUCTION CONDITIONS (The permittee shall comply with the following conditions prior to commencement of any construction activities)

4. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's ERP Compliance Assurance Program.
5. To mitigate for impacts to 0.56 acres of freshwater marsh (FLUCCS Code 641) and surface waters, the permittee shall purchase 0.23 credits of freshwater marsh credits from the Tampa Bay Mitigation Bank (TBMB).
6. Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that 0.23 freshwater marsh credits have been deducted from the credit ledger of the Tampa Bay Mitigation Bank (DEP/WMD permit number 43020546.000).

GENERAL CONSTRUCTION CONDITIONS

7. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than ambient background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.
8. Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during construction and operation of permitted activities.
9. Grass seed, or sod shall be installed and maintained on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands.
10. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
11. Staked filter cloth shall be positioned at the edge of the permitted fill slopes adjacent to wetlands to prevent turbid run-off and erosion.

SEAWALL AND HOME CONSTRUCTION CONDITIONS

12. The seawall shall be fully constructed as shown on Sheets C-4, C-5.1, and C-5.2 of the attached permit drawings prior to the placement of backfill material. Fill material used behind the seawall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or other unsuitable materials.
13. The seawall shall be fully constructed prior to the placement of any backfill material. Any fill material used behind the seawall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other unsuitable materials.
14. The revetment shall be installed so that it is tied into and does not extend waterward of the existing seawall to the southwest of the project and the seawall to the northeast of the project site.
15. Dredging within waters of the State for the purpose of providing backfill is specifically prohibited.

16. All Brazilian pepper (*Schinus terebinthifolius*) shall be removed from the property as shown on the project drawings.

DOCK CONSTRUCTION CONDITIONS

17. Floating turbidity curtains with weighted skirts shall be installed as depicted on sheet C-5.1 prior to the initiation of dock construction. The curtains shall be maintained and remain in place for the duration of the construction to ensure turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for inspecting and maintaining turbidity control devices so there is no degradation of the ambient water quality of Outstanding Florida Waters outside of the turbidity screens.
18. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site exceed the ambient water quality levels of the Outstanding Florida Waters:
 - a. Immediately cease work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
 - c. Notify the Department within 24 hours of the time the violation is first detected.
19. The elevation of the decking shall be a minimum of 5 feet above mean high water. There shall be a minimum of 1/2-inch spacing between deck planks.
20. Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources as measured at mean low water.
21. Handrails shall be installed along the access walkway and southwest side of the terminal platform concurrently with dock construction. Handrails shall be constructed as shown on Sheet C1 of the attached permit drawings to eliminate access by boaters and shall be maintained for the life of the facility.
22. Unauthorized impacts to wetlands as a result of the authorized construction shall be reported to the Department within 24 hours.
23. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris) within wetlands or other surface waters is prohibited.

MANATEE CONDITIONS

24. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
25. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
26. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
27. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
28. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
29. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CONSTRUCTION COMPLETION CONDITIONS (The permittee shall comply with the following conditions prior to the transfer to operation phase of the facility. All documentation required below shall be included with the permittee's request to transfer the project to the operation phase [Form No. 62-343.900(7),F.A.C.])

30. The permittee shall submit two copies of signed, dated and sealed as-built drawings to the Department for review and approval within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer. *As-builts shall be submitted to the Department regardless of whether or not deviations are present. In addition to the "As-built Certification" form; the permittee shall submit the "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" form as required in General Condition #13.*

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Braulio Grajales, P.E., #58626 PE number, on May 13, 2013:

<u>Plan View/Cross-Section</u>	<u>Drawing Number</u>
Site Layout and Geometry Plan	C-4
Paving, Grading, and Drainage Plan	C-5.1
Cross Sections	C-5.2

31. The permittee shall submit color photographs along with the as-built drawings required in Specific Condition 30 (above), to accurately depict the entire dock including the handrails required to be installed in accordance with Specific Condition 21.

OPERATING CONDITIONS (The permittee shall comply with the following operation conditions for the life of the facility.)

32. The property shall be maintained free of Brazilian pepper (*Schinus terebinthifolius*) in perpetuity.
33. The docking facility is limited to the mooring of 2 vessels within the slips defined on Sheet C1 of the attached permit drawings.
34. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources for all vessels associated with the use of the docking facility as measured at mean low water.
35. Fish cleaning stations shall not be allowed on structures over the water unless sufficient measures are in place (i.e., signage, sink screens, waste receptacles, etc.) to ensure that overboard discharges of trash and/or animal waste do not occur at the dock. The permittee shall submit a plan for Department review and approval prior to installation of any fish cleaning stations.
36. The handrails required in Special Condition No. 21 shall be maintained for the life of the facility.

GENERAL CONDITIONS

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit modification prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

AUTHORIZATION TO USE STATE OWNED LANDS

You are hereby granted authorization from the Submerged Lands and Environmental Resources Program, as staff to the Board of Trustees of the Internal Improvement Trust Fund, for the construction and operation of the proposed docking facility and associated activities, as shown and described herein, pursuant to Section 253.77, F.S., and Chapter 18-21, F.A.C. This authorization is subject to the following general proprietary conditions. Your rights pursuant to Chapter 120, F.S., are described in the enclosed notice.

GENERAL PROPRIETARY CONSENT CONDITIONS

(Chapter 18-21.004(7), F.A.C.)

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

This consent to use state-owned lands in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements.

NOTICE OF RIGHTS

This permit is hereby final unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

Permittee: Peter Politis – Single-family Home and Dock

Permit No.: 52-0315893-001ES09

Page 12 of 17

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

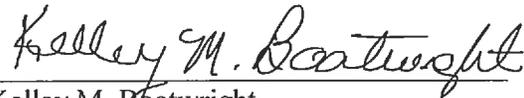
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1),

F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kelley M. Boatwright
Program Administrator
Submerged Lands and Environmental
Resource Program
Southwest District

KMB/bab

Attachments:

Commencement notice /62-343.900(3) (1 page)
As-built certification/62-343.900(5) (1 page)
Transfer construction to operation phase/62-343.900(7) (1 page)
Application for transfer of an ERP /62-343.900(8) (1 page)
Exhibit 1, Project Drawings and Design Specs., (6 pages)
Exhibit 2, Manatee Caution Sign, 1 page

Copies furnished to:

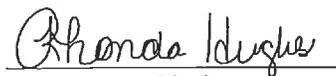
Birkett Environmental Services, c/o Rob Toth, Project Scientist, rtoh@birkitt.com
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands , including all copies, was mailed before the close of business on 7/1/2013, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

7/1/2013
Date

Planners Advisory Committee – July 5, 2017

3E. CPA Actions and Tier I Countywide Plan Map Amendments



SUMMARY

This information is presented in order to better, and more systematically, apprise the Forward Pinellas Board of final action(s) by the Board of County Commissioners, in their role as the Countywide Planning Authority (CPA) on matters that have been previously considered. This summary also includes the Tier I Countywide Plan Map Amendments that have been administratively reviewed by Forward Pinellas staff.

CPA Actions from June 2017:

PUBLIC HEARINGS

Subthreshold Plan Map Amendment:

- Case CW 17-3, a City of Pinellas Park case located north of 66th Avenue North between 38th and 40th Streets. The board **approved** the amendment from Residential Low Medium to Public/Semi-Public (vote 6-0).

Tier I Countywide Plan Map Amendments June 2017:

- FLUM 17-5, City of Tarpon Springs satisfies the Tier I provisions of Section 6.1.2.1 of the Countywide Rules.

ATTACHMENT(S): None

ACTION: None required; informational item only

SUMMARY

On August 7, 2015, the Board of County Commissioners acting as the Countywide Planning Authority adopted Ordinance 15-30 which repealed the Countywide Comprehensive Plan and replaced it with the Countywide Plan Strategies, Countywide Plan Map, and Countywide Rules, which together form the new Countywide Plan for Pinellas County. Since that time, the Countywide Rules were amended once on May 31, 2016 (Ordinance 16-31) to increase the amount of development rights that can be conveyed to a receiving parcel through the transfer of development rights (TDR) process, modification of the minimum threshold size of a Target Employment Center (TEC), and modification of the development rights for temporary lodging uses.

Since the new Countywide Plan has been in effect for almost two years, Forward Pinellas staff feels that it is time to further clarify some of the areas that are vague and ambiguous. These areas of the Countywide Plan were identified through discussions with our partner local governments, the Forward Pinellas Board or by staff's administration and interpretation of the criteria and standards. Below is a general description of these areas under consideration and we are seeking the PAC's input on this draft list.

DRAFT LIST OF PROPOSED COUNTYWIDE PLAN AMENDMENTS

- Transit-Oriented Land Use Vision Map {Land Use Goal 3.0}: Based on the input received at the Board Work Session, we are proposing to split the vision and regulatory elements of the Transit-Oriented Land Use Vision Map into two separate maps. We propose to change the current vision map to the "Countywide Plan Strategies Map" and maintain the current regulatory framework for applying higher densities and intensities surrounding certain corridor intersections (i.e., primary, secondary, supporting, regional) and transit station areas. We propose to use the map that was presented at the Board Work Session as the Countywide Vision Map to bring clarity, focus, and energy to our agency goals. We are also proposing to keep the current premium transit alignment on the strategies map and add the alignment and station areas for the Central Avenue Bus Rapid Transit (BRT) system.
- Amendments within Existing Special Centers {Section 6.5.4.3}: The Countywide Rules designate areas with previously approved Special Area Plans (SAP) as Special Centers which is a type of Activity Center. Most of these Special Centers contain several character districts that allow varying degrees of density and intensity. A local government must go through a Tier III review process in order to exceed the density or intensity standards (at the character district level) of the corresponding Activity Center subcategory for areas that do not meet the locational characteristics provisions. In some cases, the densities and/or intensities allowed under the SAP already exceed the allowances under the corresponding Activity Center subcategory and this approach limits an urban areas ability to achieve the intent of the SAP. One possible solution is to establish a cap for each Special Center that is based on the most dense/intense character district and allow other character districts within the Special Center to increase their allowances up to that cap. These amendments could be processed under the Type I or II review process.
- Hotel Density in Activity Centers {Section 2.3.3.14}: The Countywide Rules do not have a rooms per acre or floor area ratio standard for hotels within Activity Centers. We are proposing to establish a standard for transient accommodations to provide clear guidance to our local government partners.

- Ancillary Non-Residential Uses {Division 8.2}: The Countywide Rules contain a very narrow definition of “ancillary non-residential uses” that limit the ability of establishing a supporting use on a parcel of land. “Ancillary Non-Residential Uses” are defined as parking lots and dumpster enclosures and the intent should be broader. For example, a condominium development with a Residential Low Medium designation is limited to one acre of land that can be used for office and/or storage uses.
- Maximum Density/Intensity Provisions in Activity Centers {Table 2b}: The most dense/intense Activity Center, excluding Transit Station Centers, is the Major Center which allows up to 75 units per acre and a 2.5 maximum floor area ratio. Many buildings in some of Pinellas County’s downtown areas already exceed this standard and the Countywide Rules need to provide the means to allow continued urbanization through higher density and intensity allowances. One approach might be to raise the maximum allowable units per acre and floor area ratio by a specified amount or to allow Activity Centers to increase their density/intensity allowances by a certain percentage.
- Relevant Countywide Considerations {Section 6.5.3.1}: The Countywide Rules identify a roadway level of service “D” as the standard in reviewing the potential transportation impacts of land use amendments. We would like to explore a different way to consider transportation impacts on land use amendments which may include a multimodal facility-based analysis or other approach.
- Conversion Criteria for Employment or Industrial Designated Land {6.5.4.5}: We are proposing to clarify one of the criteria by adding reference to the amendment area’s proximity to the interstate highway system, international airport or functional rail line.
- Definitions {Division 8.2}: The Countywide Rules are vague in a number of areas and we are proposing to incorporate more definitions to provide clear guidance and direction.
- Submittal Requirements {Section 6.1.4.2}: The Countywide Rules only reference the submission of an application in order to begin the amendment process. There are other documents that we require including a copy of the local government staff report, local government ordinance, boundary survey (if applicable), development agreement (if applicable), etc. We further intend to clarify the submittal/review requirements for amendments to or within the AC and MMC categories. We will also explore options for clearly delineating when we require the Planning & Urban Design Criteria, transportation analysis, etc., vs. treating the minor amendments more like regular amendments.
- Acreage Maximums {various sections}: The new Countywide Rules collapsed several land use categories and in doing so reduced the acreage maximums for some permitted uses that are subject to acreage thresholds. This has created numerous non-conforming situations around Pinellas County and we are proposing to evaluate the acreage maximums and make adjustments as necessary.
- Future Land Use Plan and Land Development Regulation Amendment Review Timeframes {Section 3.3.1.2}: The Countywide Rules reference a certain number of days to complete the review process and notify the local government. We propose to clarify that this is measured in business days.
- Measurement of Mixed-Use Density and Intensity in Activity Centers {Section 4.2.3.3}: The Countywide Rules require that all mixed use projects calculate their respective proportion of density and intensity collectively. We will evaluate allowing mixed-use projects in Activity Centers to take advantage of the full residential and non-residential entitlements separately.

ATTACHMENT(S): None

ACTION: None required; informational item only

4B. Medical Marijuana

SUMMARY

While the Legislature was unable to agree on a bill to implement Amendment 2 during the regular session, the matter was taken up again during a special session held June 7th to 9th. Senate Bill 8-A, described below, passed both chambers and was presented to the Governor for his signature on June 19. As of this writing, he has not yet signed the bill into law.

The bill proposes to license 10 new medical marijuana providers in addition to the seven already operating in Florida, and allow each provider to open up to 25 dispensaries. Dispensaries will be distributed geographically across five broad regions of the state, allocated by share of statewide population. Pinellas County is part of the Central Region, which spans 15 counties from Volusia to Hardee. If the number of qualified patients on the statewide medical marijuana registry exceeds 100,000, four new providers will be licensed. Providers may sell dispensary rights to one another.

From a land use standpoint, a local government has the option to ban dispensaries within its jurisdictional limits. However, if it does not enact such a ban, it may not limit the number of dispensaries, and may not require permitting or locational requirements which are more restrictive than those for other types of pharmacies, except where stipulated by state law.

Locational and operational restrictions imposed by the bill include:

- Dispensing facilities may not be located within 500 feet of a school, unless the local government determines at public hearing that the location promotes public health and safety;
- Dispensaries may only be open to the public between 7:00 A.M. and 9:00 P.M.;
- Growing and processing facilities are required to operate within an enclosed building;
- Facilities that produce edible products must hold a permit to operate as a food establishment; and
- All facilities where marijuana cultivation, processing, or storing occurs must meet strict security protocols and be staffed by at least two employees at all times.

The bill will take effect immediately upon becoming law. However, if any new constitutional amendments pertaining to marijuana or cannabis are passed, the law will expire six months following the effective date of the amendment.

ATTACHMENT(S): Senate Bill 8-A

ACTION: None required; informational item only

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1
2 An act relating to medical use of marijuana; providing
3 legislative intent; amending s. 212.08, F.S.;
4 providing an exemption from the state tax on sales,
5 use, and other transactions for marijuana and
6 marijuana delivery devices used for medical purposes;
7 amending s. 381.986, F.S.; providing, revising, and
8 deleting definitions; providing qualifying medical
9 conditions for a patient to be eligible to receive
10 marijuana or a marijuana delivery device; providing
11 requirements for designating a qualified physician or
12 medical director; providing criteria for certification
13 of a patient for medical marijuana treatment by a
14 qualified physician; providing for certain patients
15 registered with the medical marijuana use registry to
16 be deemed qualified; requiring the Department of
17 Health to monitor physician registration and
18 certifications in the medical marijuana use registry;
19 requiring the Board of Medicine and the Board of
20 Osteopathic Medicine to create a physician
21 certification pattern review panel; providing
22 rulemaking authority to the department and the boards;
23 requiring the department to establish a medical
24 marijuana use registry; specifying entities and
25 persons who have access to the registry; providing
26 requirements for registration of, and maintenance of
27 registered status by, qualified patients and
28 caregivers; providing criteria for nonresidents to
29 prove residency for registration as a qualified

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

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

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

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117 of the H. Lee Moffitt Cancer Center and Research
118 Institute, Inc.; amending s. 1004.441, F.S.; revising
119 definition; amending s. 1006.062, F.S.; requiring
120 district school boards to adopt policies and
121 procedures for access to medical marijuana by
122 qualified patients who are students; providing
123 emergency rulemaking authority; providing for venue
124 for a cause of action against the department;
125 providing for defense against certain causes of
126 action; directing the Department of Law Enforcement to
127 develop training for law enforcement officers and
128 agencies; amending s. 385.212, F.S.; renaming the
129 department's Office of Compassionate Use; providing
130 severability; providing a directive to the Division of
131 Law Revision and Information; providing
132 appropriations; providing an effective date.
133

134 Be It Enacted by the Legislature of the State of Florida:
135

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

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

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146 read:

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

153 (2) EXEMPTIONS; MEDICAL.—

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

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

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

161 381.986 Medical use of marijuana.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

260 (a) Cancer.

261 (b) Epilepsy.

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

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

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

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

306 (4) PHYSICIAN CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

364 d. The potential for addiction.

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

370 f. The potential side effects of marijuana use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

461 (5) MEDICAL MARIJUANA USE REGISTRY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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552 (6) CAREGIVERS.—

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

558 (b) A caregiver must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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610 not purchase marijuana.

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

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

619 (7) IDENTIFICATION CARDS.—

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

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

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

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

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

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

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639 caregiver is assisting.

640 6. The expiration date of the identification card.

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

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

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

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

665 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

666 (a) The department shall license medical marijuana
667 treatment centers to ensure reasonable statewide accessibility

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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784 Martin, Monroe, and Palm Beach Counties.

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

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

808
809 If this subparagraph or its application to any person or
810 circumstance is held invalid, the invalidity does not affect
811 other provisions or applications of this act which can be given
812 effect without the invalid provision or application, and to this

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

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842 center must demonstrate:

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

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

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

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

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

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

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

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

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871 bond.

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

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

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

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

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

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

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

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

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

928 (e) A licensed medical marijuana treatment center shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1016 product.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1125 (V) The name of the patient.

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

1130 (VII) The recommended dose.

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

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1132 marijuana to another person.

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

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

1138 a. Clinical pharmacology.

1139 b. Indications and use.

1140 c. Dosage and administration.

1141 d. Dosage forms and strengths.

1142 e. Contraindications.

1143 f. Warnings and precautions.

1144 g. Adverse reactions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1248 marijuana treatment center must:

1249 1. Maintain a marijuana transportation manifest in any

1250 vehicle transporting marijuana. The marijuana transportation

1251 manifest must be generated from a medical marijuana treatment

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

1253 a. Departure date and approximate time of departure.

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

1255 originating medical marijuana treatment center.

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

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

1258 device being transported.

1259 e. Arrival date and estimated time of arrival.

1260 f. Delivery vehicle make and model and license plate

1261 number.

1262 g. Name and signature of the medical marijuana treatment

1263 center employees delivering the product.

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

1265 provided to each individual, medical marijuana treatment center,

1266 or marijuana testing laboratory that receives a delivery. The

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

1268 must sign a copy of the marijuana transportation manifest

1269 acknowledging receipt.

1270 (II) An individual transporting marijuana or a marijuana

1271 delivery device must present a copy of the relevant marijuana

1272 transportation manifest and his or her employee identification

1273 card to a law enforcement officer upon request.

1274 (III) Medical marijuana treatment centers and marijuana

1275 testing laboratories must retain copies of all marijuana

1276 transportation manifests for at least 3 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1363 (a) The department shall conduct announced or unannounced

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

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

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

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

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

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

1392 1. Violating this section or department rule.

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

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

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

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

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

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

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

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

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

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

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

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

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1480 (12) PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1568 (13) UNLICENSED ACTIVITY.—

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

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

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

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

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

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

1622 (14) EXCEPTIONS TO OTHER LAWS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1712 testing laboratory must:

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

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

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

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

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

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

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1741 than those specified as exceptions therein.

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

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

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

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

1769 (a) Security standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1839 381.989 Public education campaigns.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1886 the campaign.

1887 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

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

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

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

1914 385.211 Refractory and intractable epilepsy treatment and

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1915 research at recognized medical centers.—

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

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

1926 499.0295 Experimental treatments for terminal conditions.—

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

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

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

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

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

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

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1944 ~~dispensing organization may:~~

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

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

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

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

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

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

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

1969 1004.4351 Medical marijuana research and education.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2030 1. Propose a budget for the coalition.

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

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

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

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

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

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

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

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

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2060 coalition.

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

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

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

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

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

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

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

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

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

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

2096 (1) EMERGENCY RULEMAKING.—

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

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

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

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

2135 (2) CAUSE OF ACTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planners Advisory Committee – July 5, 2017

5A. Pinellas SPOTlight Emphasis Areas Update



SUMMARY

Forward Pinellas staff will provide a brief update on the status of the activities related to the three SPOTlight Emphasis Areas.

ATTACHMENT(S): None

ACTION: None required; informational item only