



**Florida Agricultural Financial
Management Conference
Legislative Update**

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This report includes summaries of legislation that passed impacting agricultural operations in Florida. For readers wishing to review the entire legislation, or staff summaries, each bill can be accessed through <http://www.leg.state.fl.us/>.

Water

Water Policy: CS/CS/SB 552 by Senator Dean was the culmination of almost 2 years of work by legislative leaders and stakeholders to modernize chapter 373, F.S. It was the first bill to pass in the 2016 legislative session. It creates a comprehensive revision to the state's policies concerning water quality, water supply and water conservation programs. While the legislation doesn't create many new procedural strategies to Florida's challenges on water quality and water supply, it does put considerably more stringency into those approaches, and those with interests in development or agriculture may want to stay engaged in the implementation of this legislation.

Statewide, the bill sets deadlines for adoption of minimum flows and levels, and requires the Department of Environmental Protection (DEP) and the regional Water Management Districts (WMDs) to adopt or modify water-recovery prevention strategies if water levels fall below the applicable minimum flow rate. These rules will be exempt from the legislative ratification requirement in s. 120.541(3), F.S.

The bill also modifies current annual reporting requirements of all water management districts. The new requirements are an expansion of the current 5-year planning process. The 5 year plan now has a required linkage to all projects to implement a Basin Management Action Plan (BMAP), a "grade" for each impaired waterbody, and a prioritized list of water resource projects, with top priority going to projects designed to reduce water resource competition between legal users and natural systems. The plans must identify the anticipated district funding sources and additional funding needed to fund the projects. Likewise, an assessment of progress towards the milestones in each BMAP for Lake Okeechobee, the Caloosahatchee and St. Lucie Rivers must be provided to the Governor, the Senate and the House every 5 years. The BMAPs themselves must have an implementation schedule establishing milestones for the 5, 10 and 15 year horizon to achieve reductions in pollutant loads no more than 20 years after the adoption of the plan. If not achievable in 20 years, the implementation schedule must explain the constraints to achieving the reduction, an estimate of the additional time needed and additional 5 year measurable milestones. DEP is also required to submit an annual consolidated progress report on water quality and quantity programs. The detail of the status of each project identified to achieve water quality or quantity goals must be in the report with costs, priorities, and funding needed to achieve the target goals.

The bill requires the Office of Economic and Demographic Research (EDR) to conduct an annual assessment of Florida's water resources with historical and current expenditures and projections of future expenditures by all federal, state, regional and local entities as well as public and private utilities. This annual assessment must include an identification of the gaps between projected revenues and projected and estimated expenditures. A similarly detailed assessment of the needs and sources for acquisition of conservation lands is also required of the EDR report.

The bill creates the Florida Springs and Aquifer Protection Act to protect designated Outstanding Florida Springs (OFSs) and provides deadlines for restoration of OFSs through BMAPs. OFS springs include all first magnitude springs along with De Leon Springs, Peacock Springs, Poe Spring, Rock Springs, Wekiwa Springs and Gemini Springs. The spring protection measures require local governments to adopt a fertilizer ordinance based on the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The bill prohibits certain activities within specified areas around OFSs, including: construction of domestic wastewater disposal systems equal to or larger than 100,000 gallons per day, commencing agricultural operations that do not implement BMAPs, or other state-approved pollution procedures, and constructing hazardous waste disposal facilities.

The bill memorializes in statute the Central Florida Water Initiative, currently a voluntary effort designed to coordinate water management efforts between the South, South West and Saint Johns Water Management Districts, all of whom share authority over watersheds in central Florida. The bill also formalizes the participation of the Department of Agriculture and Consumer Services (DACS) and DEP in this coordinated effort with the intent of creating a uniform set of rules and policies for managing the various water resources in central Florida.

The bill modifies consumptive use permitting (CUP) to protect water allocations if water use has dropped due to implementation of conservation measures or agriculture conditions have resulted in less water use. In the event of competing new CUP permits, the applicant closest to the source is granted a preferred status. Water usage monitoring is required for all new and renewed CUPs that authorize groundwater withdrawals of 100,000 gallons or more per day from a well with an inside diameter of 8 inches or more. The bill adds individual well owners to the list of individuals who may obtain technical, water resource assistance from the various water management districts and local governments.

The bill also creates a pilot program aimed at developing alternative water supply sources in areas where existing water resources are inadequate to sustainably meet current or future demand. The pilot program applies exclusively to areas within the South, Southwest and St Johns River Water Management Districts. The bill also authorizes public-private partnerships in which public entities and private farmers will work together to secure water storage and recharge areas on privately-held agricultural lands, a method already in use especially in the SFWMD.

To help inform the public about recreation lands accessible by the public, the legislation requires DEP, by July 1, 2017, to create a new, electronic database of conservation lands. By January 1, 2018, the database must include similar information on lands owned by federal and local governments. The bill also mandates DEP establish statewide standards for collection and analysis of water quality and quantity data. (**Chapter 2016-1, Laws of Florida**)

Consumptive Use Permits—Modification: CS/CS/HB 589 is a committee bill carried by Representative Pigman that repeals provisions relating to violations of consumptive use permit conditions; exempts certain constructed clay settling from reclamation rate and financial responsibility requirements. The bill also relaxes the deadline requirement in order for a Certified Professional to certify that a water management project meets the requirements for a general permit:

- Repeals s. 373.245, F.S., which authorizes damages to be paid to consumptive use permit holders that occur as a result of permit violations by abutting consumptive use permit holders;
- Allows land set-asides and land use modifications not otherwise required by state law or permit to be used to generate credits for water quality credit trading; and
- Allows construction of a stormwater management system to proceed without any further agency action by the DEP or water management district (WMD) if, before construction begins, rather than within 30 days after construction begins, an electronic self-certification is submitted to the DEP or the WMD which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system meets all statutory requirements. (**Ch. 2016-130, Laws of Fla.**).

Water Projects—Private Activity Bonds: CS/CS/HB 491 by Representative Smith requires the State Board of Administration to review the allocation of private activity bonds for water and wastewater infrastructure projects. The legislation extends tax exemptions for certain investor-owned utilities and gives the Department of Environmental Protection authority to require the Florida Water Pollution Control Financing Corporation to make loans or grants to investor-owned utilities. (**Ch. 2016-226, Laws of Fla.**).

Water Project Funding: HB 989 by Representative Harrell implements the Florida Water and Land Constitutional Amendment, which was adopted by voters on November 4th, 2014. Distributions are expected to start at \$854 million in 2017-2018 and rise to nearly 1.2 billion by 2025. The implementing language requires the following minimum annual appropriations from the Land Acquisition Trust Fund:

- The minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million for Everglades projects;
- The minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million for spring restoration, protection, and management projects; and
- Five million dollars through the 2025-2026 fiscal year for projects dedicated to the restoration of Lake Apopka. (**Ch. 2016-201, Laws of Fla.**).

Agricultural Operations

Transactions in Fresh Produce Markets: HB 103 by Representative Fullwood allows the owner or operator of a market selling fresh produce, such as a farmer’s market that does not have an Electronic Benefits Transfer (EBT) system, to allow certain specified groups to implement and operate an EBT system in the market on behalf of the sellers. The bill only applies where the market owner or operator is not an authorized Supplemental Nutrition Assistance Program (SNAP) retailer. (**Ch. 2016-51, Laws of Fla.**)

Agritourism: HB 59 by Representative Combee prohibits local governments from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida’s greenbelt law. The bill adds “civic,” “ceremonial,” and “training and exhibition” activities to the enumerated list of agritourism activities defined in s. 570.86, F.S. It also adds “livestock operation” to the list of

places where an agritourism activity can occur. The bill amends s. 570.87, F.S., to provide that lands classified as agricultural under 193.461, F.S., cannot be divested of that classification as long as the land remains used primarily for bona fide agricultural purposes. **(Ch. 2016-14, Laws of Fla.)**

Farm Vehicles: SB 1046 by Senator Hutson defines "covered farm vehicle" for purposes of Florida Uniform Traffic Control Law; revises requirements for a person who operates a commercial motor vehicle solely in intrastate commerce while transporting agricultural products; provides exemptions for covered farm vehicles from specified federal regulations relating to controlled substance and alcohol use and testing, commercial driver licenses, physical qualifications and examinations, hours of service of drivers, inspection, repair, and maintenance; and exempts driver of covered farm vehicle from commercial driver license requirements. **(Ch. 2016-115, Laws of Fla.)**.

Fire Safety: HB 431 by Representative Raburn exempts nonresidential farm buildings and agricultural pole barns from the Florida Fire Prevention Code. The bill also provides that structures used for agritourism activity are subject to annual inspection for classification. Finally, the bill directs the State Fire Marshal to adopt rules administering the section, and authorizes local fire officials to consider specified publication when identifying alternatives to the fire safety code. **(Ch. 2016-83, Laws of Fla.)**.

Department of Agriculture and Consumer Services (DACS): CS/HB 7007 by Representative Raburn addresses a number of issues relating to agriculture and the powers and duties of DACS. Specifically, the bill:

- Designates tupelo honey as the official state honey.
- Changes the procedures required to obtain and renew a pest control operator's certificate and eliminate a related late charge.
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the \$50 per month late charge previously applicable to late recertifications.
- Adds the term "dietary supplements" to the list of possibly adulterated foods.
- Defines the term "vehicle" to provide clarity to the types of mobile carriers that fall under the department's regulatory authority.
- Adds allergen information labeling requirements to the list of possibly misbranded foods.
- Authorizes the department to sponsor "events" (not just breakfasts, luncheons, or dinners) which promote agriculture and agricultural business products.
- Authorizes the department to secure letters of patent, copyrights, and trademarks on any work products of the department and enforce its rights accordingly.
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services.
- Creates an Office of Agriculture Technology Services.
- Removes the requirement that the department provide administrative staff for the Florida Agriculture Center and Horse Park Authority.
- Specifies the intent of the "Fresh From Florida" marketing brand.

- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council.
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and extends the reporting deadline from 15 days to 30 days following the close of the reporting period.
- Preempts regulatory authority for commercial feed and feedstuff to the department.
- Removes the requirement that the Department notify a property owner that a plant infested or infected with pests or noxious weeds has been found on their property if such pests or noxious weeds are determined to be widely established in Florida. This change provides the Department with option to not require an owner to destroy or remove the infested or infected plant.
- Creates the Grove Removal or Vector Elimination Program.
- Rewrites ch. 582, F.S., to modernize the Soil and Water Conservation Districts' (SWCDs) statutes to reflect the actual functions of the districts.
- Removes obsolete statutory references relating to Watershed Improvement Districts.
- Adds definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that they are programs which are authorized by federal law.
- Authorizes the department to implement the Farmers' Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables.
- Requires that certain citrus fruit inspectors be licensed by the Department instead of the USDA.
- Requires the department to provide the highest rate of reimbursement allowed under the federal school breakfast program to severe need schools.
- Renames the "Florida Farm Fresh Schools Program" the "Florida Farm to School Program."
- Eliminates the monthly reporting requirements that require each grain dealer to report the value of grain received from producers for which the producers have not received payment.
- Eliminates the Florida Forest Service's power to dedicate its land for use by the public as a park. **(Ch. 2016-61, Laws of Fla.)**

Fumigation: HB 1205 by Representative Magar requires the Department of Agriculture and Consumer Services to adopt rules specifying the circumstances under which structural fumigation may be undertaken without providing 24-hour notice. The bill also removes the current emergency exception from statute and requires the department to adopt rules imposing additional safety measures following fumigation. Finally the bill requires the Department to adopt rules regarding registration of structural fumigants and safety trainings for practitioners. **(Ch. 2016-143, Laws of Fla.)**

Shellfish Harvesting: CS/CS/SB 1318 by Senator Dean and others amends regulations for shellfish harvesting by:

- Authorizing the harvesting of shellfish from a sovereign submerged land lease;

- Authorizing individuals to use one dredge or mechanical harvesting device per lease at any one time;
- Defining the terms “shellfish” and “dredge or mechanical harvesting device”;
- Prohibiting the use of dredge or mechanical harvesting devices on public shellfish beds;
- Providing that violations of shellfish harvesting statutes, rules, or lease conditions will result in revocation of the violator’s lease and denial of any future application to use sovereign submerged lands;
- Shifting the responsibility for setting the amount of oysters, clams, and mussels to be obtained for relaying or transplanting from the Department of Agriculture and Consumer Services to the Fish and Wildlife Conservation Commission (FWC);
- Repealing the requirement that the FWC set the noncultured shellfish harvesting seasons in Apalachicola Bay by formal rule, along with the related reporting requirements. (**Ch. 2016-200, Laws of Fla.**)

Budget and Taxes

Budget: This year’s budget was completed and voted out of the Legislature on time and includes provisions directing the expenditure of funds dedicated by the Water and Land Conservation Amendment. Water projects are funded at a total of \$81.8 million. There are several increases compared to last year’s budget, including:

- \$20 million increase for Florida Forever projects;
- \$20 million increase for Rural and Family Lands;
- \$10 million increase for Florida Communities Trust;
- \$80 million increase for Everglades restoration.

Budget items of interest include:

- At least three line items worth \$76.6 million for Florida Forever
- \$1.5 million for land acquisition by the various Water Management Districts
- \$10 million for land acquisition through the Florida Communities Trust
- \$7 million for restoration of Lake Apopka
- \$32 million for beach restoration
- \$18 million for springs restoration
- A \$7 million increase to the Department of Agriculture and Consumer Service’s base budget that is earmarked for implementing best management practices. (**See Ch. 2016-62, 2016-63, 2016-64, 2016-66 and 2016-25 Laws of Florida.**)

Tax Cuts: HB 7099, the House tax package, provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses, and to improve tax administration.

The tax package includes new extended or expanded sales tax exemptions for:

- Machinery and equipment for certain manufacturing and agricultural postharvest activities and metals recycling;
- Building materials, pest control, and rental of tangible personal property used in new construction in rural areas of opportunity; and

- A one day" hunting and fishing" holiday for certain firearms, ammunition, camping tents, and fishing supplies.
- Phases out, over three years, the indexed sales tax on asphalt used for government projects.
- Adopts the Internal Revenue Code as in effect on January 1, 2016, for purposes of corporate income tax, but decouples from certain federal bonus depreciation provisions.
- Makes changes to corporate income tax filing dates and estimated payment due dates to conform to changes made to the federal corporate tax. **(Ch. 2016-220, Laws of Florida.)**

Property

Conservation Easements: CS/SB 190 by the Community Affairs Committee and others reduces the ad-valorem exemption filing requirements imposed on owners of conservation easements. Generally, landowners who are granted an ad-valorem tax exemption must file for renewal with the local tax collector's office by March 1 in order to maintain their exemption. This bill exempts conservation easement owners from the annual filing requirement and specifies conservation easement properties maintain exempt status until the use of the property no longer complies with the restrictions and requirements of the conservation easement. **(Chapter 2016-110, Laws of Florida)**

(Chapter 2016-88, Laws of Florida)

Agricultural Lands—Special Assessments: HB 773 by Representative Albritton prohibits counties and municipalities from levying and collecting special assessments on agricultural lands for fire protection services. **(Ch. 2016-89, Laws of Fla.)**

Agriculture: CS/CS/HB 749 by Representative Raburn revises the period during which certain agricultural lands in eradication or quarantine programs continue to be classified as such; exempts certain farm vehicles from registration requirements under certain circumstances; and preempts regulatory authority over commercial feed and feedstuff to the Department of Agriculture and Consumer Services. Section 5 of the bill clarifies existing law by specifically authorizing the continuation of certain agricultural activities on conservation easements. These activities include but are not limited to livestock grazing and silviculture. In order to qualify, the activity must be a current or historic use of the land under easement and be conducted in accordance with applicable best management practices. The new subsection also ensures that these clarifications do not diminish or restrict any existing conservation easements, which may allow for agricultural activity. **(Ch. 2016-88, Laws of Fla.)**

State Lands: HB 1075 by Representative Caldwell consolidates acquisition and surplus procedures for both conservation and non-conservation lands. Additionally, the bill:

- Revises management requirements for conservation lands, requiring they be managed consistently with any land management plan, rather than requiring strictly for the purposes for which the land was acquired. Such land management plans may specify conservation purposes and/or recreational purposes.

- Requires the Board of Trustees of the Internal Improvement Trust Fund to encourage the use of sovereign-submerged lands for minimal secondary non-water dependent uses related to water-dependent uses.
- Provides the Department of Environmental Protection with additional options applicable if managing or leasing entities are not meeting their short-term goals as established in a land management plan for conservation lands or a land use plan for nonconservation lands.
- Creates a process whereby a person who owns land contiguous to land titled to the State Board of Administration may submit a request to the Division of State Lands for all or a portion of state-owned land in exchange for the state retaining a permanent conservation easement over all or a portion of the contiguous privately owned land.
- Removes the requirement that the State Board of Administration provide notice and afford an opportunity to a county in which the land is situated to receive such lands before they are offered for sale.
- Requires the Florida Department of Environmental Protection to add federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement to the Florida State-Owned Lands and Records Information System by July 1, 2018.
- Requires each local government to submit a list of all conservation lands it owns or holds a permanent conservation easement to The Florida Department of Environmental Protection on before July 1, 2018. Financially disadvantaged small communities have an additional year to submit such information.
- Directs the Department of Environmental Protection to complete a study regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory by July 1, 2018.
- Revises the notice requirements that a water management district must adhere to when selling or exchanging lands and provides an expedited process for selling surplus lands that are valued at \$25,000 or less.
- Requires increased priority be given to proposed Florida Forever projects that:
 - Can be acquired in less than fee ownership;
 - Contribute to improving the quality and quantity of surface water or groundwater; or
 - Contribute to improving the water quality and flow of springs.
- Authorizes the Fish and Wildlife Conservation Commission to establish spring protection zones. **(2016-233 Laws of Florida.)**

Community Development Districts: CS/HB 971 by the House Local Government Affairs Subcommittee makes a number of changes to chapter 190, which governs the creation, operation, and amendment of community development districts (CDD). A CDD can finance, build and operate infrastructure and perform most governmental services and are mostly utilized in larger new communities. CDD governance is similar to that of condominiums and homeowners associations. The petition designates initial board members, and provides that landowners must elect a new board within 90 days of CDD creation. Landowners are afforded one vote for each acre of land owned within the CDD. A second round of elections will take place after 6 years (10 for districts larger than 7,000 acres) or when the district imposes its ad-valorem taxation authority, whichever comes first. Thereafter, the supervisor of elections will conduct Board member elections as nonpartisan general election contests, open to all registered voters.

The bill revises the maximum size for the creation of a CDD by a county or municipality from 1,000 acres in size to less than 2,500 acres. Proposed CDDs of 2,500 acres or larger (formerly 1,000 acres) can only be created by petitioning the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Counsel (FLAWC) to adopt an administrative rule creating the district. The legislation also clarifies that if the proposed CDD is within the boundaries of two or more counties, the creation is done thru a FLAWC petition, regardless of the size of the proposed CDD. The legislation also amends provisions which allow amendment of the original jurisdiction of a CDD. The bill raises the limits of the cumulative maximum CDD expansion from 10 to 50% of its land area but in no case more than 1,000 acres, up from the current limit of 500 acres.

The bill clarifies that CDDs may contract with towing companies to tow vehicles or boats from district owned facilities utilizing the procedures of s. 715.07, F.S. The CDD need not conduct competitive bidding for this purpose if they contract with a towing company approved by the local government in their jurisdiction.

The bill also contains a streamlined merger procedure for CDDs created by the same county or municipality. Up to five districts, created by the same local general-purpose government, whose boards are composed entirely of qualified electors, may merge into one district by adoption of an ordinance by the local government that created them. If the petition is made by the majority of the members of each merging district's board of supervisors, the petition is deemed consent for the landowners in each district. Merger, much like CDD creation, requires a public notice and comment period. Initially, merging districts will be governed by an interim board with proportional representation based on the number of districts merged. Thereafter, combined districts will be governed by five at-large members. (**Chapter 2016-94, Laws of Florida**)

Special Districts: CS/HB 479 by the Local Government Affairs Subcommittee makes a number of technical changes to chapter 189, F.S. after a substantial rewrite accomplished in 2014. Special districts are units of local government created for a limited special purpose and operating in a limited geographic boundary. Special districts are classified as either dependent or independent, depending on the unit of government that controls them. Dependent special districts are those whose boards or budgets are wholly controlled by a single county or municipality. Independent districts, except for CDDs, are generally created by special act of the legislature and operate independently of city or county government. There are over 1600 special districts in Florida, the majority of which are independent. See Department of Economic Opportunity, Official List of Special Districts Online Directory, available at: <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/>

Special districts are usually afforded limited ad-valorem taxation authority, fees, user fees, or other revenue producing authority, and use their budgets to carry out the duties authorized in the creating authorization for the district. Current law requires all special districts to display proposed budgets on their websites at least 2 days prior to approval. The bill requires districts to keep tentative budgets on their websites for 45 days after the budget hearing. Final budgets and budgetary amendments must now remain on special district websites for 2 years after the meeting at which they were adopted.

The bill also reorganizes the oversight provisions of chapter 189, F.S., to increase clarity and avoid duplication. The bill requires the Special District Accountability Program to publish noncompliance status reports from the Department of Management Services. The bill revises the process for the Department of Economic Opportunity (DEO) to declare a special district inactive and clarifies the power of the Legislature to dissolve inactive independent special districts by general law. The bill also clarifies the legislature's authority to create dependent special districts, with consent of the appropriate local government.

The Office of Special District Information in DEO must now maintain a list of inactive districts in addition to their current duty to maintain an official list of special districts. The bill also clarifies the intent of the Legislature to authorize action against the special district and not its officers for noncompliance with disclosure requirements of chapter 189, F.S. The bill requires that DEO shall declare a special district inactive by documenting that the special district meets one of the six statutory criteria for being considered inactive, publishing notice of intent to declare the district inactive, and affirming that no administrative appeal of the declaration has been filed within 21 days of publication. This reenacts the process required by statute prior to the 2014 revisions to chapter 189, F.S.

The 2014 legislation required every district to maintain a website by October 1, 2015. The bill amends the minimum requirements for the website to include a listing of their public meetings, the district's public facilities report, and the agenda for each meeting or workshop at least 7 days in advance of the event. Those agendas must be maintained on the website for at least one year. The bill requires the website for a dependent special district to be displayed prominently on the home page of the local general-purpose government upon which it is dependent, whether that government created the special district or not.

The bill takes effect on October 1, 2016. **(2016-22, Laws of Florida)**

Marijuana

Amendment 2: The Right to Medical Marijuana constitutional amendment has received enough signatures to appear on the 2016 ballot. The amendment would legalize medical marijuana for individuals with debilitating medical conditions as determined by a licensed state physician. A June 30th poll by Bay 9 News of 1,678 likely Florida voters found that 68% favor legalization for medicinal purposes.

Experimental Treatments for Terminal Conditions: HB 307 by Representative Gaetz provides that eligible patients with terminal conditions or their legal representatives may purchase and possess cannabis for medical use.

The new law:

- Authorizes dispensing organizations to cultivate, process, transport, and dispense medical cannabis, which is defined to include the whole cannabis plant and does not require a certain composition of cannabinoids. (i.e. full strength cannabis) However, dispensaries may not provide patients who have been diagnosed with a terminal condition under the Right to Try Act with any amount greater than a 45-day supply.

- Requires a physician to meet certain criteria before ordering low-THC cannabis and medical cannabis, including establishing a patient relationship for a certain length of time, meeting certain education requirements, and obtaining written informed consent from the patient or the patient's legal representative. The bill prohibits ordering physicians from being a medical director employed by a dispensing organization and subjects a medical director to disciplinary action if the medical director receives compensation from a dispensing organization related to the ordering of low-THC cannabis or medical cannabis.
- Creates new regulatory standards for dispensing organizations, including standards for maintaining DOH approval and for the growing, processing, testing, packaging, labeling, dispensing, distribution, and transportation of low-THC cannabis and medical cannabis. The bill also provides DOH with greater regulatory oversight by authorizing DOH to perform inspections, create a registration card system for patients and their legal representatives, assess fees, and take disciplinary action.
- Authorizes independent testing laboratories to possess, test, transport, and lawfully dispose of low-THC cannabis and medical cannabis.
- Provides that dispensing organizations which meet certain criteria are to be granted cultivation authorization and are to be permitted to operate for the full term of their original approval and all subsequent renewals. The bill provides for the process under which these approved dispensing organizations may have their approval revoked.
- Provides that upon the registration of 250,000 active qualified patients in the compassionate use registry, the Department of Health is authorized to approve three additional dispensing organizations, at least one of which is an applicant that is a recognized class member of Pigford v. Glickman or In Re Black Farmers Litigation, and a member of the Black Farmers and Agriculturalists Association. The new dispensing organizations must meet the requirements set out for approval of the initial five, except for the requirements to be registered for the cultivation of more than 400,000 plants, be operated by a nurseryman, and to have been operating as a nursery for at least 30 continuous years.
- Preserves authorization for the five approved dispensing organizations even in the event of a successful challenge, but also provides that successful challengers can receive additional licenses. **(Ch. 2016-123, Laws of Fla.)**.